

# **Poverty, Human Rights and Implementation of MDGs in Cambodia**

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April 2006



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## Acknowledgements

The process of writing my Masters thesis has been a long, but far from lonely road. Even though this is a paper which bares my name, it would have been impossible to complete without the help of all the wonderful people I have met along the way.

First and foremost, I would like to give a huge thanks to my incredible supervisor Dan Banik. Without your caring guidance and constant inspiration I would never have made it! I am really grateful for how you always have made time for me, and more importantly for the way in which you have boosted my self-esteem and made me believe I could do this. Every student ought to have a supervisor like you! Furthermore, I would like to thank all my colleagues and friends at the Centre for Development and the Environment for making this a truly positive experience, and doing your best to keep my spirits up. I am so happy I have had the opportunity to be a part of such an interesting research milieu.

There are many people who deserve praise for helping me during my fieldwork and making me feel welcome in Cambodia. I especially need to thank Kate, Rohan, Jocelyn and John. Furthermore, I would like to thank Norwegian People's Aid for taking care of me, I am particularly grateful for all that Ruth, Marc, Youthy and Philippe did. I really admire your work and dedication to making a difference. I also wish to thank Oxfam Québec and my interpreters Raksa and Mao. In addition, I would like to thank all the people who took time of their busy schedules to talk to me. I particularly would like to commend my key informant at the OHCHR for his honesty. The information and names you gave me with were priceless. I also wish to thank Arjun Sengupta and Stephen Marks for providing me with contacts in Cambodia.

Most importantly, I have to thank the farmers which I interviewed in Pouthisat and Banteay Mean Chey. I want to dedicate this thesis to you. Your warmth and hospitality truly touched me, and I wish I had the power to improve your situation. This paper is about your lives and the injustice that you have suffered. Of all my heart I hope that in the future your government's corrupt ways will change and the international community will pay more attention to *your* struggles.

I would also like to thank my family and friends, for supporting and loving me throughout this whole process. To my mom, dad, sister and brother: I am truly blessed to have you in my life! An extra special thanks to my dad, the world's greatest father, for helping me economically and emotionally in all these years. Without the help of my family none of this would have been possible. I also wish to thank my grandmother for inspiring me to do right and providing me with a sense of security even in the most troublesome times.

Finally, I would like to thank Allan for his patience, humour and love. I am really grateful for how you have shown me that it is possible to have a life outside of school. Meeting you is the best thing that has ever happened to me. Jeg elsker deg.

Jenny Ingelin Nordgard

Oslo, March 2006.

## Map of Cambodia



Source: [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/cambodia\\_rel\\_97.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/cambodia_rel_97.jpg)

## Abbreviations

**CARE**

Cooperative for Aid and Relief  
Everywhere

**CCC**

The Cooperation Committee for  
Cambodia

**CMDG**

Cambodian Millennium  
Development Goal

**CPP**

Cambodian People's Party

**FAO**

Food and Agriculture  
Organization of the  
United Nations

**FUNCINPEC**

National United Front for an  
Independent, Neutral, Peaceful  
and Cooperative Cambodia

**HDI**

Human Development Index

**HR**

Human Rights

**HRBA**

Human Rights-Based Approach

**JICA**

Japan International Cooperation  
Agency

**IMF**

International Monetary Fund

**MD**

Millennium Declaration

**MDG**

Millennium Development Goal

**NGO**

Non-Governmental  
Organization

**ODA**

Official Development  
Assistance

**OHCHR**

Office of the United Nations  
High Commissioner for Human  
Rights

**RCG**

Royal Cambodian Government

**SEDP1**

Socio-Economic Development  
Plan Number One

**SEILA**

Social Economic Improvement  
Local Agency

**UN**

United Nations

**UNAIDS**

The Joint United Nations  
Programme on HIV/ AIDS

**UNDAF**

United Nations Development  
Assistance Framework

**UDHR**

Universal Declaration of Human  
Rights

**UNDP**

United Nations Development  
Programme

**UNICEF**

United Nations Children's Fund

**WB**

World Bank

**WFP**

World Food Programme

# 1. Introduction

## *1.1 The purpose*

In September 2000, at the dawn of the new millennium, 189 Heads of state and government gathered at the United Nations (hereafter UN) Millennium Summit. They were determined to draft out a new course towards a world free from extreme poverty, dominated by long lasting peace and with respect for all human rights (hereafter HR) as the governing rule. The meeting resulted in the Millennium Declaration (hereafter MD) and its eight connected goals<sup>1</sup> where both developed and developing countries ambitiously proclaimed they would be “...committed to making the right to development a reality for everyone and to freeing the entire human race from want” (UN 2000).

The Millennium Development Goals (hereafter MDGs) consist of eight time-bounded aspirations. If achieved, the MDGs will contribute to an improvement of the appalling conditions of poverty, under which more than two billion people suffer every day. Despite the fact that as many as 191 countries have committed themselves to realizing the goals, murky shadows cast by decades of unsuccessful poverty reduction strategies have influenced critics to attack the MDGs from every angle. Thus, the question that arises is what is so unique about the MD and its connecting goals that will make this project succeed where all others have failed? What new elements does the MD provide that will prevent the whole campaign from turning out to be another case of “business as usual”? These questions are of immense importance for the livelihoods of the poor, and will function as the foundation on which I will build my Masters thesis.

The UN claims the Millennium Project is substantially different from earlier poverty reduction efforts, since the MDGs are based on a HR framework. The goals

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<sup>1</sup> The Millennium Development Goals consist of the following eight aspirations (HDR 2003): MDG 1- Eradicate extreme poverty and hunger; MDG 2 - Achieve universal primary education; MDG 3 - Promote gender equality and empower women; MDG 4 - Reduce child mortality; MDG 5 - Improve maternal health; MDG 6 - Combat HIV/AIDS, malaria and other diseases; MDG 7 - Ensure environmental sustainability; and MDG 8 - Develop a global partnership for development.

are considered to be benchmarks on the road towards full realization of economic and social rights stipulated in the Universal Declaration of Human Rights (hereafter UDHR) (UNDP 2003a). The UN asserts that, in accordance with a human rights-based approach (hereafter HRBA), policy making, implementation and achievement of the targets should be measured and judged against the universal HR (Heferkens 2003).

A HRBA entered the mainstream development discourse as late as the second half of the 1990s (Nyamu-Musembi and Cornwall 2004: 10). However, the approach was not a new idea, its roots stretch as far back as the birth of the UN. In the UN Charter member states included a pledge to take action, in co-operation with the Organization, to improve standards of living and facilitate economic and social progress for all (UN 1945). This pledge was further elaborated when the International Covenant on Economic, Social and Cultural Rights was adopted in 1966.

The UDHR was proclaimed in 1948. Inherent in the UDHR is the principle of indivisibility of the rights. Despite its salience, this guiding rule was largely overlooked by the main adversaries throughout the cold war era. Whilst communist countries were eager advocates of socio-economic rights, the United States' persistent focus on civil and political freedoms set the tone for policies in the western world (Nyamu-Musembi and Cornwall 2004: 9). The end of the cold war made it possible for all parties to recognize that if national governments are to honor their HR obligations, they have a duty to respect the principle of indivisibility and the non-hierarchical nature of the rights (Ibid: 10). It was this acknowledgement which paved the way for a HRBA to poverty reduction and the MDGs.

In this study, I will examine the characteristic features of the HRBA to poverty reduction and question to what extent the defining features of the approach are dependent on a democratic system of government for successful implementation.

The empirical focus of this study is Cambodia, which is an interesting case for a variety of reasons. Despite experiencing isolation from the outside world for nearly two decades and being ravaged by civil war, the country has, in recent years, witnessed a remarkable progress in terms of United Nations Development



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Programme's (hereafter UNDP) Human Development Index (hereafter HDI). In a short period of time Cambodia's success at rebuilding itself has earned the country an escalation in the HDI ranking from the group of countries categorized as having "low human development," to status as a member of the "medium human development" category. In addition, the Royal Cambodian Government (hereafter RCG) has openly committed itself to the MDGs and their linkage to HR terminology. The RCG has explicitly asserted that they consider transparency, accountability and participation to be essential prerequisites for achieving the MDGs (RCG 2003: 5). Furthermore, the government has claimed that poverty reduction is the primary objective of all its development policies (RCG 2002: iii).

Despite such promising statements by the RCG, the livelihoods of ordinary Cambodians have not improved in recent years. Respect for civil and political rights has declined, and the RCG become increasingly autocratic (Leuprecht 2005a: 6). At present, the HR situation is deemed as serious by the UN (Ibid: 2). Furthermore, the economic growth which Cambodia has experienced during the past decade has not produced any significant poverty reduction (UNDP 2004: 14). In fact, there are signs that the situation is worsening. For instance, there has been a reduction in per capita consumption and a rise in child mortality rates (Ibid). The UN even argues that "Cambodia does not yet have a comprehensive poverty reduction strategy" (Ibid: 26).

## ***1.2 Research questions***

In recent years the HRBA to poverty reduction has become increasingly popular. Indeed, a growing number of organizations claim they are now employing this approach in their work in developing countries. However, research examining the actual impact of the HRBA, in practice, remains scarce. Since vast amounts of funds are currently being poured into poverty reduction strategies of this nature, it is important to investigate if the HRBA delivers the promised results. This study is comprised of the following three categories of interrelated questions:

**1.2.1 What are the main characteristic features of a HRBA to poverty reduction?**

I will examine to what extent a HRBA contains any new and unique elements, which can contribute to focusing on the urgency of poverty reduction efforts. In particular, the focus will be on the MDG 1, which concerns the eradication of extreme poverty and hunger. This goal is the most comprehensive of all MDGs and in order to achieve the MDG 1 targets, responsible actors will have to work hard on the other goals as well.

**1.2.2 What are the characteristic features of the implementation of a HRBA to poverty reduction in Cambodia?**

I will investigate the characteristic features of the implementation of a HRBA in Cambodia by looking at how different levels of Cambodian society evaluate the efforts to employ the approach. I will particularly focus on discrepancies within and between the various levels' assessments, and try to explain why such differences exist.

**1.2.3 To what extent is a HRBA dependent on democracy for successful implementation?**

Strategies aimed at attaining MDG1 are to be implemented in all 191 signatory states, regardless of their system of government. The distinctiveness of a HRBA derives from the unique way in which it merges the notions of poverty reduction and HR. It appears that the HRBA presupposes a democracy. Although Cambodia is not a democracy, its government has embraced the HRBA. Thus, the question that arises is whether a HRBA to poverty reduction has been/can be implemented, despite the non-democratic nature of governance in the country.

***1.3 Cambodia***

Cambodia is situated at the Gulf of Thailand, wedged in between the three countries Thailand, Laos and Vietnam. After gaining independence from the French in 1953, Cambodia experienced a period of internal turmoil which lasted until the communist dictator, Pol Pot, died in 1998. Pol Pot and his guerrilla army, the Khmer Rouge, were responsible for one of the worst genocides in modern day history. During his reign,

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from 1975-79, approximately 2 million Cambodians were either brutally murdered or starved to death (Laksiri 2000: 9). Pol Pot's vicious rule, and hostility towards neighbouring Vietnam, prompted a Vietnamese invasion in 1979. After overthrowing the Khmer Rouge, Vietnamese forces occupied Cambodia until they voluntarily withdrew in 1989. Despite being considerably softer than the preceding regime, the Vietnamese rule is still best characterized as a "dictatorship of the ruling party" (Ibid). The Vietnamese retreat was primarily a response to improved East-West relations in the international society. In 1991 the warring factions signed the Paris Peace Accords, and agreed on an interim UN rule. The UN governed the country till the first democratic election was held in 1993.

At present, Cambodia has signed the six main international human rights instruments. In spite of this, the country continues to struggle with a lack of respect for civil and political rights as well as social, economic and cultural rights. Cambodia is one of the 191 signatory states that have committed themselves to achieving the MDGs by the year 2015. While the UN estimates that currently only seven Asian countries "are on the track to meet MDG1", this list excludes Cambodia (FAO 2003: xi).

### **1.3.1 An overview of poverty in Cambodia**

Cambodia is one of the poorest countries in South East Asia. When measured by the head-count index,<sup>2</sup> 35.9 percent of Cambodia's population live below the national poverty line. However, this figure does not reflect the true severity of the situation, since in reality most of the population is clustered around the poverty line (UNDP 2004: 30), and should be categorized as highly vulnerable to external shocks. While available national poverty data is unreliable and has been the subject of many disputes, there is nonetheless little doubt that poverty is widespread in the country.

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<sup>2</sup> The head-count index measures the share of the population whose consumption is below poverty line (FAO 2003: 16). The national poverty line in Cambodia is "defined as the level of expenditure required to ensure consumption of 2100 kcal per person per day" (Ibid) - a figure put at 2.30 PPP USD for Phnom Penh, 1.72 PPP USD for other urban areas and 1.46 PPP USD for rural areas (WFP 2003: 3).

Poverty in the country is also characterized by an urban-rural divide. Although it is primarily a rural phenomenon, due to harsh conditions in the countryside a growing migration to the big cities has in recent years increased the number of poor in urban areas (NGO Committee 2002: 1). Cambodians living in the countryside make up 80 percent of the population, and constitute 90 percent of the country's poor (FAO 2003: 16). Almost 70 percent of people living in rural areas work in agriculture, and thus strategies aimed at reducing poverty ought to primarily target this particular segment of society.

Cambodia has experienced an enormous economic growth in recent years, with annual rates reaching an average of 6-7 percent. However, the benefits of growth have not had a major impact on poverty reduction, and rural communities have particularly been neglected. Economic development has been limited to urban enclaves; most of the growth has taken place in the readymade garment sector. In fact, 65 percent of all public investment in the period 1996-2000 went to urban industrial areas. Rural communities were left with only 35 percent (Catalla and Catalla 2002: 53). Compared with the promises made by the RCG in its Socio-Economic Development Plan 1 (SEDP1 1995-2000), these figures represent a reversed allocation of government funds. In addition, statistical data collected by the Ministry of Planning in the period 1993-99 indicate that poverty reduction has been slowest in the rural areas (FAO 2003: 16). Taken together these facts illustrate the RCG's lack of will to carry out development and poverty reduction initiatives where it is most needed (Ibid).

The reasons why so many Cambodians are caught in a cycle of poverty are numerous and interrelated. First, there is the legacy of war. Nearly three decades of internal strife has left the country's infrastructure and social institutions in ruins (Ibid: 29). However, the civil war cannot explain why poverty rates have not declined in recent years. The persistence of rural poverty in Cambodia is inextricably linked to the increasing lack of access to resources (Ibid: viii). Forest and fishery resources are extremely important for the livelihoods of the poor, since they depend on it "as a source of agricultural inputs and of supplementary food and income" (Ibid).

The poor are increasingly losing their own properties and being prevented from

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using communal land (FAO 2003). There appear to be five main reasons for this trend. First, concessions to communal land are being made by the RCG to huge commercial logging and plantation corporations (NGO Forum 2004: 14). Second, the majority of people living in rural areas lack secure title and tenure to their land. Accordingly, they do not stand a chance when rich and powerful actors assert that they are lawful owners to the properties in question (FAO 2003: 21). Third, there are widespread instances of land grabbing conducted by powerful actors, like the Cambodian military and representatives of the RCG (Catalla and Catalla 2002: 13). Fourth, there is a rapid population growth in rural areas (FAO 2003: 21). Fifth, due to high healthcare costs, pervasive corruption, adverse climatic conditions and a lack of access to credit markets with fair interest rates there is a high incidence of distress sales by the poor. All these factors, and the lack of social safety nets, make the rural population highly vulnerable. Thus it is easy, even for non-poor, to get trapped in the vicious cycle of poverty.

### **1.3.2 An overview of the political and human rights situation in Cambodia**

Since 1993, there have been two general elections in Cambodia; the most recent one took place in July 2003. The 2003 election was marked by chaos, and it took almost a year until a new government was formed. In July 2004 a coalition government, consisting of the CPP (Cambodian People's Party) and FUNCINPEC (National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia), was established through a process which the Office of the United Nations High Commissioner for Human Rights (hereafter OHCHR) has described as "controversial and unconstitutional" (Leuprecht 2005b: 6). The post of prime minister was once again awarded to Hun Sen. He has occupied prominent positions in Cambodian society ever since the Khmer Rouge era. One of the main results of the disagreement that succeed the 2003 elections was a "growing concentration of power in the hands of Prime Minister Hun Sen, and an increasingly autocratic form of government" (Ibid).

The first commune elections were held in 2002, and marked an important step towards a decentralization of power in Cambodia. The purpose of these elections was

to create independent councils in every commune that would be responsible for overseeing the development of their own area (UNDP 2002: 10). However, the actual independence of the commune council representatives has been seriously questioned (NGO Forum 2004).

Criticism has also been directed at how village chiefs, the lowest level of local governance, are selected. The position of village chief was originally created to improve the efficiency of commune administration, and the person appointed was supposed to represent the interests of all inhabitants in his/her village (Ibid: 42). However, since these government posts are currently being divided among political parties, rather than being chosen through elections, it is not possible for villagers to hold their representatives accountable (Ibid: 11).

Some of the most pressing problems in Cambodia today are related to a lack of independent institutions, widespread corruption and impunity. First, the system of checks and balances is dysfunctional in Cambodia. Even though neutral state institutions are guaranteed by Cambodia's constitution, borders between the executive, legislative and judiciary are blurred (Leuprecht 2005b: 2). Executive interference in matters assigned to the judiciary is common, and "the judiciary does not and cannot act in an independent and impartial manner when faced with the interest of those with economic and political power and influence" (Ibid). Accordingly, everyone is not equal before the law and "a culture of impunity for individuals connected to the government continues to pervade society" (NGO Forum 2004: 12). At present, rule of law, a precondition for democracy, is illusive in Cambodia.

Corruption is entrenched and prevalent at every level of society. It hampers development and progress, and perpetuates poverty. The poor are the ones most adversely affected by corruption (NGO Forum 2004). The main cause of corruption in Cambodia is the low pay of civil servants. Marginal salaries lead civil servants to abuse their positions in order to generate extra income (Ambrosio and Catalla 2002: 11).

The prevalence of impunity in Cambodia has made it possible for powerful

people to escape accountability for serious HR violations. The OHCHR has since 2000 “documented the murder of 43 persons in attacks on known political activists in which a political motive is suspected” (Leuprecht 2005b: 7). The situation has deteriorated since the anti-Thai riots<sup>3</sup> in 2003, when civil and political rights became subjected to an extensive amount of restrictions. The freedoms of assembly, association and movement were particularly curtailed. Even though the situation quickly was brought under control, the RCG did not lift the limitations it had imposed on civil and political rights. On the contrary, the civil and political rights of ordinary Cambodians have only become more restricted during the last two years (Ibid).

#### ***1.4 Methodology***

This is a case study of the efforts to achieve MDG 1 through a HRBA in Cambodia. The case study approach is usually chosen as a research strategy when the researcher has a desire to get a deeper understanding of complex social phenomena (Andersen 2003). Yin defines a case study as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and context are not clearly evident” (Yin 2003: 13). Case study methodology is a suitable research strategy for this particular study because contextual conditions are highly relevant to the subject. Contextual factors can not be investigated by other kinds of research strategies like experiments or surveys (Ibid).

The theoretical proponents of a HRBA concurrently emphasize two seemingly incompatible notions. First, they stress the importance of civil and political rights. Second, they assert that the approach can be employed to poverty reduction efforts in *all* countries, regardless of system of government. The RCG displays a marked lack of respect for the civil and political rights of its citizen, and embraces a HRBA at the same time. Accordingly, the case of Cambodia constitutes a perfect backdrop for an investigation into whether or not it is possible to employ a HRBA in a country with low democratic performance, or if the theoretical contributions need to be revised.

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<sup>3</sup> The anti-Thai riots in 2003 were triggered by a statement made by Thai actress, Suwanna Konying. She reportedly said the Angkor Wat temple belongs to Thailand (<http://www.cbc.ca/stories/2003/01/29/cambodia030129>).

Reliance upon multiple sources of evidence and data triangulation is characteristic of case studies. I will make use of both primary and secondary sources of information. The primary data will be qualitative, and mainly consist of semi-structured interviews that I conducted during my field study in Cambodia. The secondary sources are of a qualitative and quantitative nature, and consist of scientific literature, documents and archival data which I have collected in Cambodia and Norway.

### **Fieldwork**

Almost 90 percent of the poor in Cambodia live in the country side. Poverty rates are highest in the border areas, and the provinces closest to Thailand are particularly affected (FAO 2003: 18). These provinces were Khmer Rouge strong holds during the civil war, and in some villages combat did not end until 1998. This has delayed poverty reduction efforts. The areas have failed to benefit from the huge amount of aid which has been flowing into Cambodia since the peace agreement became operative in 1991. I want to gain a greater understanding of the western region, since it is one of most marginalized areas in Cambodia and because the provinces there have the longest experience of poverty reduction through decentralization. The theoretical contributions to a HRBA stress that decentralization of power is an important step on the road towards an implementation of the approach (OHCHR 2002). In 1996, the RCG initiated the Social Economic Improvement Local Agency (hereafter SEILA) program in five of the country's twenty-four provinces. The five provinces were Pouthisat, Batdambang, Banteay Mean Chey, Siem Reab and Rotanah Kiri. The main purpose of the SEILA program is to achieve poverty reduction through "decentralised good governance" (Hasselskog 2000: 1). Four of the chosen provinces (Pouthisat, Batdambang, Banteay Mean Chey, and Siem Reab) are situated in the western part of the country. At present, the SEILA program has expanded and is now covering all 24 provinces.

I chose to conduct my fieldwork in the provinces of Pouthisat and Banteay Mean Chey (see map page 5), which were selected mainly because they illustrate the struggles of the entire western region of the country. However, it was also due to reasons of a more practical nature. Because of the unstable political situation, I was



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advised to travel together with non-governmental organization (hereafter NGO) personnel while undertaking interviews in rural areas. Thus, my selection of provinces and villages was also dependent on where the NGOs, that accepted my requests to travel with them, operated. In Pouthisat, for instance, I had the opportunity to travel with Oxfam Québec and in Banteay Mean Chey I was guided by Norwegian People's Aid and CARE (Cooperative for Aid and Relief Everywhere). In addition to undertaking research in Pouthisat and Banteay Mean Chey, my fieldwork also consisted of several interviews conducted in Phnom Penh. Nearly all government institutions, UN agencies and foreign NGOs have their headquarters in Phnom Penh. Thus, it was necessary for me to spend a substantial part of my field work in the nation's capital.

Banteay Meanchy Chey has the largest population of the two provinces, with 577,772 inhabitants, while 360,445 people live in Pouthisat.<sup>4</sup> These two areas have several things in common. First, agriculture is the staple industry in both provinces. Second, poverty rates in the two areas are extremely high. Approximately 40 percent of the population in Pouthisat and Banteay Mean Chey live below the national poverty line (FAO 2003: 18). Third, in 1996 both areas were part of the first group of provinces in which the SEILA program was implemented. Despite these similarities, the provinces are ranked quite differently with regards to their likelihood of attaining MDG 1. Banteay Mean Chey is characterized as “one of the provinces better placed to achieve the targets”. Pouthisat, on the other hand, is described as being in an “intermediate position” (RCG 2003: 20).

In this thesis I will employ primary and secondary sources when answering my research questions. During fieldwork, I collected qualitative data through semi-structured interviews, informal conversations and direct observations. In addition, I also acquired information, qualitative and quantitative in nature, from secondary sources in Cambodia and Norway.

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<sup>4</sup><http://en.wikipedia.org>

**Secondary sources**

In Cambodia I gained access to libraries run by CCC (Cooperation Committee for Cambodia), Norwegian People's Aid and the SEILA task force. These libraries contained reports written by foreign and local NGOs, the RCG and donors. In addition to collecting data from secondary sources at the libraries, I also received written material from officials of the OHCHR, UNDP, World Food Program (hereafter WFP) and United Nations Children's Fund (hereafter UNICEF). The secondary sources I have collected in Cambodia and Norway consist of scientific literature, reports, documents, archival data and statistics. Due to the nature of my research questions, the secondary sources which I will be employing are not only written by political scientists, but also come from the field of economics, law, anthropology and physiology of nutrition.

**Primary sources**

During my fieldwork I conducted 55 semi-structured interviews. Such interviews are shaped as dialogues, where the interviewer focuses the discussion on certain specific topics that he/she is particularly interested in. This type of interview is advantageous in that a researcher can easily react to new information and create follow-up questions. However, the open-ended nature of the questions posed in such interviews has a drawback in that it becomes difficult to compare answers in a systematic manner (Mikkelsen 1995).

Informants were selected from the following three levels of Cambodian society: 1. Donors, foreign NGOs, academia and journalists, 2. The RCG and 3. Rural farmers in the provinces of Pouthisat and Banteay Mean Chey. Interviews were mainly individual, but I also conducted some group conversations. I had developed an interview guide in advance, but it was greatly revised as I increased my knowledge of the local situation. The questions I posed to members of the different categories were not identical, but certain topics were common to all interviews. An average interview lasted about one and a half hours. I also benefited from interacting with key informants. They provided me with information, which in turn helped me gain a better understanding of the implementation of a HRBA in Cambodia, and also suggested

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sources of “corroboratory or contrary evidence” (Yin 2003: 90).

Informal conversations were an important source of information. The ex-pat community in Cambodia is quite small and easily accessible. Through my contacts in this milieu I gained valuable “inside” information and was introduced to people that possessed great knowledge of Cambodian society and politics. These informal conversations helped me gain a priceless insight into how the UN, the RCG and foreign NGOs understand the implementation of a HRBA in the Cambodian context.

#### **1.4.1 Field study in Cambodia – challenges**

In order to undertake a field study a researcher is dependent on having reliable contacts. I established five contacts, through e-mail, before I went to Cambodia. They turned out to be extremely helpful and functioned as my key informants. With their help I was able to get additional contacts, information and dependable interpreters. Overall, the people that I contacted in Cambodia were unexpectedly open and willing to take time off from their busy schedules to talk to me. Surprisingly, I was almost always referred to the person in charge or specialists on the field when I approached different organizations. However, there was one exception; I had a difficult time arranging an interview with Japan International Cooperation Agency (hereafter JICA). Several of my key informants had identified JICA as a major obstacle to the efforts at employing a HRBA in Cambodia. Therefore, I was interested in getting JICA’s version of the story. JICA were extremely unwilling to talk to me, and rejected or ignored all my requests for an interview. Fortunately, at the last minute, one of my informants at the UN provided me with a contact at JICA, and I was able get an interview after all.

The language that I used in my interviews was English. The official language in Cambodia is Khmer. Since I do not speak Khmer, I was dependent on an interpreter when my informants did not have any English knowledge. My contacts in Phnom Penh all spoke good English, and thus I did not need an interpreter to carry out those interviews. In the rural areas of Pouthisat and Banteay Mean Chey few people spoke English, and I was dependent on an interpreter to carry out my interviews with the farmers. My interpreters were local English teachers who also worked for big NGOs

like Oxfam and Ockenden. I discussed the questions with my interpreters in advance of the interviews, and explained to them that every bit of information was extremely important to me. Even though my interpreters did a phenomenal job, it would of course have been better if I spoke the language myself and could conduct the interviews alone. There is always the danger of important information being lost in translation, particularly when dealing with abstract concepts like HR.

All in all the interviews went very well. However, anonymity was of crucial importance to all the people I talked to. The informants were afraid that the information they provided me with could create problems for them in the future. My contacts at the elite level were concerned about getting in trouble with their employers or the RCG. In rural areas my informants were mainly scared of the local government. Some villagers even expressed a fear that their life would be in danger if the information they provided me with was linked to their names. I usually resolved this problem by promising to not reveal their identities in my study. This will not be damaging for my thesis, since I am not dependent on disclosing their names in order to answer my research questions. However, occasionally my informants at the elite level told me to not unveil the names of their employers. This creates difficulties for me; since in some instances what makes the information powerful and relevant to my research questions is more a result of who provides it rather than its exact content.

### ***1.5 Outline of thesis***

In chapter two I will present the theoretical framework of a HRBA. I will particularly focus on the following four features: Accountability, participation, empowerment and non-discrimination and equality. I will also give an account of the critique which can be directed at the theoretical framework of a HRBA, and discuss whether or not the approach is dependent on democracy for successful implementation. Finally, at the end of the chapter I will make my research questions operational.

In chapter three I will investigate whether or not the main characteristics of a HRBA have been implemented in Cambodia. Furthermore, I will discuss if the realization of these features has had any impact on ‘how’ and ‘why’ poverty reduction strategies are being carried out there. I will also examine if the conclusions I reach in

the theoretical discussion, on whether or not this approach is dependent on democracy for successful implementation, are congruent with my discoveries in the empirical case. In the final chapter I account for the main conclusions of the different chapters, and present the answers to my research questions.

## **2. Theoretical approach**

### ***2.1 Introduction***

Every year 18 million people die from poverty related causes and more than two billion people live below the poverty line and Pogge (2005: 1) claims that current levels of world poverty constitute the gravest form of HR violation in history. At present, the world economy is at an all time high. People's lives are constantly improving as a result of new technology and an expansion of the welfare state. However, millions continue to die from and suffer under poverty, a problem which we could have eradicated decades ago. In spite of this, there is no real urgency in current poverty reduction efforts. We have the means to make poverty history, what is lacking is the will. A HRBA promises to change this by creating a greater sense of urgency through focusing on poverty reduction as a socio-economic right. Furthermore, the approach claims that by transforming both 'how' and 'why' poverty reduction takes place, it will alter the status of the poor from passive recipients of aid to strategic partners with claimable rights (UNDP 2003b).

I will begin this chapter by presenting the four characteristic features which the theoretical contributions to a HRBA put forward as the major innovative elements of the approach. Thereafter, I will account for whether or not a HRBA is dependent on democracy for successful implementation. Finally, I will discuss the critique that has been directed at the approach, and conclude the chapter with an operationalization of my research questions.

### ***2.2 The characteristic features of a HRBA***

A HRBA is founded upon the assumption that human development, poverty reduction and HR share the same aspirations to promote freedom, well-being and dignity. The theoretical contributions to a HRBA state that while the concepts are close enough in motivation to be congruent, they are sufficiently different "in strategy and design to supplement each other fruitfully" (HDR 2000: 19). Accordingly, a more integrated approach can bring significant rewards (Ibid).

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Several proponents of the approach take Sen's understanding of poverty as capability deprivation as a starting point. Sen claims poverty is created when certain capabilities fail to function. Capabilities vary in form and content. They include the basic freedoms of being able to meet bodily requirements, enabling opportunities given by schooling and social freedoms such as ability to participate in political decision making (Sen 1992: 39).

The idea of human development and poverty reduction is to enhance all capabilities individuals have reason to value. HR, on the other hand, represents the claims people have on duty bearers to either secure or facilitate these capabilities (HDR 2000: 20). A HRBA combines these concepts, and creates an approach with four characteristic features: Accountability, participation, empowerment and equality and non-discrimination.

### **2.2.1 Accountability**

The concept of human development states that social progress and poverty reduction are good things. However, the notion does not prescribe any duties to bring it about. The concept of HR, on the other hand, introduces the idea of locating accountability if development and poverty reduction does not occur (HDR 2000).

The merging of the concepts of human development, poverty reduction and HR into a joint approach offers some basic guidelines which can be used to assess the conduct of responsible actors. The HR concept supplies a concern with exactly how poverty reduction and development projects are formulated and implemented. HR narrows down the range of possible development strategies, by acting as constraints on the types of action which are permissible in poverty reduction (Nowak and Osmani 2004: 12). The concept of HR creates boundaries which protect vulnerable groups. In a HRBA the achievement of greater social goods is no longer accepted as an excuse for violating the basic HR of the poor and most marginalized groups.

A HRBA ascribes the role of primary duty bearer to the state. Because the state is signatory to all major international HR conventions which a country can commit itself to, and since it has the power to frame laws and adopt policies that affect all individuals in its jurisdiction (Sengupta 2003: 18). Consequently, the state has the

primary responsibility for the protection and fulfillment of socio-economic rights. However, the approach also opens up for the possibility that external actors can possess the status of additional duty bearers (Nowak and Osmani 2004: 16).

There are two distinct ways to interpret the scope of the obligations that HR imposes on responsible agents. These can either be viewed as strictly ‘negative’, or seen as more extensive and having the status of ‘positive’ duties. If one is of the view that the concept of HR implies negative duties, duty bearers are only accountable if they do not respect the rights (Pogge 2003: 5). When HR is seen as ‘positive’, duty bearers are also responsible for the protection and fulfillment of the rights (Eide 2005: 8). Thus, the obligations of a state can be specified at three levels; 1) The duty to respect, 2) The obligation to protect and 3) The responsibility to fulfill HR (Scheinin and Suksi 2002: 57).

The duty to respect requires the state to acknowledge its citizens’ right to “take the necessary actions and use the necessary resources – alone or in association with others- to satisfy their own needs” (Eide: 9). If the obligations are also believed to include the protection of HR, the state must defend their citizens against possible third party violators (Osmani 2000). The responsibility to fulfill requires the state to take direct action in order to realize the rights. The theoretical contributions to a HRBA oblige duty bearers to respect, protect and fulfill economic and social rights as well as civil and political rights.

A further important distinction, proposed by Dworkin, is between abstract and concrete rights. In most developing countries a scarcity of resources makes it impossible for duty bearers to realize all HR at once. Thus, the question of what demands people are entitled to make arise. When can an individual, in these circumstances, lawfully claim that his/her economic and social rights are violated? Dworkin (1978) presents an answer to this dilemma by creating a division between abstract and concrete rights. The realization of abstract rights is equivalent to an individual’s capabilities being met. Concrete rights, on the other hand, claim individuals are entitled to the policies which most efficiently contribute to the realization of their abstract rights. Hence, in a situation of scarce resources duty



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bearers are only obliged fulfill peoples' socio-economic rights progressively, through implementing the most effective poverty reduction strategies available. According to the UN, "the obligations of the duty bearers, then, are to make the best possible effort to promote progress, as rapidly as possible. Their accountability is to be judged not only by whether a right has been realized, but by whether effective policies have been designed and implemented and whether progress is being made" (HDR 2000: 77). Thus, in situations characterized by a scarcity of resources, a HRBA claims the poor can only hold duty bearers responsible if their concrete rights are being violated.

If duty bearers violate their obligations, the poor are entitled to a remedy (Scheinin and Suksi 2002: 28). This, however, does not automatically imply a legal prosecution of the duty bearers. According to Nowak and Osmani (2004: 16), the conceptual framework of a HRBA distinguishes between the following types "of accountability mechanisms: judicial (e.g. judicial review of acts and omissions), quasi-judicial (e.g. ombudsmen, international human rights treaty bodies), administrative (e.g. the preparation, publication and scrutiny of human rights impact assessments) and political (e.g. through parliamentary processes)".

These accountability mechanisms should not be viewed in isolation. Duty bearers ought to use them interchangeably, in whatever mix is most appropriate in a given context. In fact, the approach states that as long as arrangements are characterized by easy accessibility, transparency and impartiality, it is the duty bearers' privilege to determine their appropriate format (Ibid; UNDP 2003b: 8). However, the theoretical contributions to a HRBA also emphasize that victims of HR violations are entitled to have their case tried before a domestic body, which has the possibility to grant redress to complaints (OHCHR 2002: 59). The ensuing compensations can take various forms, depending on the gravity of the breach. They can include anything from apologies to full restitution. Only in exceptional cases should individual violators be punished (Ibid).

Before any remedy can be given or even accountability be ascribed, one has to determine how duty bearers' efforts at realizing concrete rights can be evaluated. As long as trade-offs do not result in a denial of other rights, but take the form of

progressive realization, they do not infringe on the principle of indivisibility which is prominent in the concept of HR (Nowak and Osmani 2004). Trade-offs do, however, involve value judgments. The policies which governments choose to implement, in order to realize the concrete rights of citizens, will always mirror such prioritizing. Thus a crucial question, in this context, is whether it is actually possible to say if a particular policy is the most effective in a situation characterized by severe resource constraint. It is evident that assessing duty bearers efforts to realize the concrete rights will border on the impossible if assigned to a foreign expert group. Indeed, if this task is delegated to external actors one might risk that national governments will hide their unwillingness to advance abstract rights behind a “smoke screen of trade-offs” (Osmani 2000: 292).

It is in this dilemma, of how to assess duty bearers’ efforts at realizing concrete rights, the reasons why a HRBA attaches so much importance to participation lie. In order for policies to be congruent with the concrete rights, they have to reflect the combined value judgments of all inhabitants (Ibid). The latter is only possible if policies are formulated through a participatory process. This requires representatives, from different segments of society, to discuss how they best can advance HR despite conflicting value judgments and severe resource constraint. Policies are only equivalent to the realization of concrete rights if they are formulated through a participatory procedure (Ibid: 293).

### **2.2.2 Participation**

In addition to accountability, a HRBA advocates active and informed participation by the poor in the formulation, monitoring and implementation of poverty reduction strategies (OHCHR 2002: 2). Active and informed participation by the poor is crucial for the realization of concrete rights. A HRBA attaches importance to participation for three reasons. First, participation is seen as a fundamental HR with intrinsic value. Second, active and informed participation by the poor has a substantial spill-over potential. Third, participation is viewed as having an instrumental value since it facilitates realization of concrete rights.

Active and informed participation cannot be realized unless the state respects

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the civil and political rights of its citizens. Thus, the right to participation is “inextricably linked to fundamental democratic principles” and based on “constitutionalism and free and fair elections” (Nowak and Osmani 2004: 18). In addition to free and fair elections, a wide range of other civil and political rights also needs to be realized in order for people to actively participate. For example, it is crucial that the freedom of association is guaranteed, since it enables individuals to organize in interest groups for a more forceful representation of their needs and concerns.

Another right of vital importance is the right to information. The poor have a claim on their leaders to provide them with information about all aspects of anti-poverty strategies. This includes information of the consequences these policies will have for the livelihood strategies of the poor (Nowak and Osmani 2004: 19). If there are severe restrictions on information available to the public it is difficult, if not impossible, for the poor to voice their opinion and actively participate in decision-making (OHCHR 2002: 49). Without necessary access to facts, the poor will not be able to produce the evidence required to back up their claims. It is also essential that the freedom of expression is respected and protected by the state. Without the possibility of speaking freely, the inclusion of the poor in decision-making will be nothing more than ‘window- dressing’.

Well-functioning civil and political rights are important prerequisites for active and informed participation by the poor. This is necessary to ensure successful implementation of a HRBA. In addition to respecting civil and political rights, the state also needs to establish “institutional arrangements through which the poor can effectively participate at different stages of the decision-making” process (Ibid: 17). However, the approach emphasizes that the poor need not to participate in all “technical deliberations that underlie policy formulation” (Ibid: 16). On the other hand, “they must be allowed to take part in the process of setting priorities and benchmarks that will guide such deliberations” (Ibid). Active participation by the poor is facilitated by a decentralization of power (Ibid: 58). Nevertheless, there is

also a need for efforts aimed at empowering the poor, in order for them to take part in decision-making on equal grounds with the more privileged groups in society.

### **2.2.3 Empowerment**

The adoption of a HRBA will enable duty-bearers to enhance the status of the poor, since this entails an acknowledgement of the fact that the poor have a HR to be free from poverty. However, the approach also requires duty-bearers to undertake additional activities aimed at empowering the poor, in order to realize its defining features.

The poor are often prevented from participating in decision-making processes. When they are actually included, their lack of money, status and powerful connections impede them from advancing their case. Developing countries are often forced to prioritize, when leaders allocate resources for public policy. If the poor are not properly represented, allocation and utilization of funds seldom goes in their favor (OHCHR 2002).

Empowerment can be rendered possible by concurrently promoting the economic and social and the civil and political rights of the poor (HDR 2000: 73). There also needs to be established a basic level of economic security for the poor. This economic safety-net will be an essential element in empowering the poor, because it enables them to resist the structures which perpetuate poverty (OHCHR 2002: 17). Unless the poor are made capable of resisting the economic pressure from society's elite, their representation will remain illusive.

The state also needs to be involved in capacity building. Capacity building can be realized by, for example, strengthening people's knowledge of decision-making procedures and expanding their understanding of how government policies are formulated and implemented. More specifically, a HRBA also requires the state to make efforts at educating its citizens about HR and the treaties which it has ratified (Ibid: 52). This can be done by, for example, carrying out information campaigns which particularly target the poor. The state should especially focus on the right to participate in the formulation, implementation and monitoring of poverty reduction strategies both at the central and local levels (Ibid). Furthermore, the government

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should make sure state-owned media functions as a source of impartial information, where the poor are made aware of their right to participate in development policy (Ibid).

#### **2.2.4 Non- discrimination and equality**

A HRBA emphasizes poverty as a social phenomenon, aggravated by discriminatory practices that exist within a given society. Discrimination based on gender, ethnicity or religion frequently creates poverty, while poverty by itself often produces many discriminatory acts. Discrimination can take various forms, and is exercised by both official and private actors. A HRBA provides extra protection against discrimination since it brings the principles of equality and equity to the forefront. These principles are at the very foundation of the international HR framework, and are particularly aimed at securing the rights of vulnerable and marginalized groups in society (Nowak and Osmani 2004: 17).

The notion of equality seeks to guarantee that all people, regardless of ethnicity, gender or social status, have the same claims to the enjoyment of HR. According to the international HR framework, “Human rights are for everyone, as much for people living in poverty and social isolation as for the rich and educated” (UNDP 2003b: 7). The principles of equality and non- discrimination prohibit all forms of discrimination, whether it is in the judicial system or concerning access to social services necessary for the fulfillment of economic and social rights. These principles bring added value to poverty reduction strategies since they “help to ensure that vulnerable individuals and groups are treated on a non-discriminatory and equal basis and are not neglected” ( Nowak and Osmani 2004: 17).

### **2.3 Democracy**

The theoretical contributions to a HRBA claim the realization of active and informed participation by the poor is dependent on a fully functioning democracy (Nowak and Osmani 2004: 18). The MDGs, on the other hand, are intended for all countries regardless of their system of government. Hence, the question of whether it is possible to implement the MDGs through a HRBA in non-democracies arises. Can the

approach really be employed in countries where the state continuously violates civil and political rights?

In order to determine the concrete rights there must be active and informed participation by the poor. Participation can only be labeled as active if the poor have the opportunity to speak freely. If their freedom of speech is not fully respected, the poor will be unable to voice their opinions. Consequently, it will be impossible for them to engage in discussions which are necessary for determining what the 'most effective' poverty reduction strategies are. Poverty reduction strategies are only equivalent to the fulfillment of concrete rights if they reflect the combined value judgments of all inhabitants (Osmani 2002: 293) Hence, in countries where freedom of expression is limited, concrete rights will be unattainable. Freedom of expression is a necessary, but not sufficient condition for active and informed participation. If a HRBA is to be employed, there is also a need for the enjoyment of other civil and political rights. It is essential that people possess the right to information and the freedom of association, not only in theory but also in practice. If certain groups are denied enjoyment of these civil and political rights, their concrete rights cannot be determined. Accordingly, it will be impossible to implement the defining features of HRBA.

The initial problem of a HRBA was how to determine what people are entitled to in a situation of severe resource constraint. The solution was to introduce the notion of concrete rights. If certain groups are denied enjoyment of civil and political rights, their concrete rights cannot be established. Thus, if a HRBA is to be employed in non-democracies one return to the starting point, how to determine what the poor are entitled to in a situation of severe resource constraint. Without any clear definition of their rights, it will be impossible for the poor to monitor and hold the state accountable. If a government wishes to neglect the needs of the poor, it can justify its behavior by blaming it on the necessity for trade-offs. Due to the confusion concerning their rights and their lack of information about public policies, it will be impossible for the poor to reject this reasoning

Acknowledgement of people's civil and political rights is needed, not only to

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facilitate participation in decision-making, but also since it is necessary in order to secure effective monitoring of the state. If the poor cannot speak freely, they will be unable to criticize and investigate the state's efforts to realize their rights. Without freedom of speech, victims of HR violations will also be too scared to publicly blame the state and demand redress. Moreover, without functioning civil and political rights it will not be possible to transform the status of the poor from passive recipients of aid to strategic partners with claimable rights. Accordingly, an alteration of 'how' and 'why, poverty reduction strategies are brought about will be impossible. Thus, it is quite clear that without any respect for civil and political rights, the implementation of a HRBA will be unachievable.

Not only will the employment of a HRBA be impossible in non-democracies, it might even be morally objectionable. The question is if it is ethically justifiable for international organizations, NGOs and bilateral donors to employ a HRBA in an autocratic regime. It is debatable whether it really is with the best interest of the poor in mind, that external actors encourage them to publicly claim their rights in non-democracies. In an authoritarian system of government there are no restrictions on what the state can do. How can it be defensible to persuade the poor to protest and publicly claim their rights in such a context? In authoritarian states such actions can very well have fatale consequences. The leaders might feel threatened, and in these regimes there are no legal systems which prevent them from giving a violent response. When external actors still strive to employ a HRBA, it is necessary to investigate if the actions which the approach implies do not undermine the purpose of employing a HRBA in the first place.

If external actors are aware that HR advocacy in authoritarian regimes endanger the poor, but nevertheless choose employ a HRBA, it would in itself constitute a breach with article three of UDHR. It claims everyone have a right to "life, liberty and security of person" (1948). When external actors, in non-democracies, persuade the poor into publicly claiming their rights, article number three of UDHR should function as a constraint and rule out the possibility of employing the approach.

Another issue, which requires further investigation, is whether a HRBA really is equivalent to the realization of concrete rights. In countries with an authoritarian system of government it will be expensive to employ a HRBA. First, if the country lacks an independent judiciary, institutional arrangements have to be developed. There also have to be established independent monitoring and accountability mechanisms (Nowak and Osmani 2004: 16). Second, in order to attain active and informed participation, the poor need to receive information about their rights and how different policies will affect their livelihood strategies. These measures will be both time consuming and expensive. In a situation of severe resource constraint they will be executed at the expense of strategies more directly aimed at reducing poverty and meeting basic needs. Hence, the question of if a HRBA really is the most effective way to reduce poverty in non-democracies emerges.

The fact that most authoritarian leaders fear the concept of HR, adds weight to this concern. These rulers do not maintain their authority by respecting the HR of their citizens. On the contrary, they are dependent on a constant display of force in order to preserve their power. They will most likely be skeptical of a HRBA. An authoritarian regime will fear the spread of civil and political rights can bring about an opposition to their rule. Hence, autocratic leaders might impede efforts to make use of a HRBA. Accordingly, in non-democracies a less controversial poverty reduction strategy will generate more support from the government, and thus be easier and less expensive to employ. Consequently, it will be of greater benefit to the poor.

## ***2.4 A Critique of the HRBA***

The theoretical contributions to a HRBA claim the idea that all people have a HR to be free from poverty is the major innovative element in the approach. By merging the idea of HR and poverty reduction, this approach changes the understanding of ‘how’ and ‘why’ poverty reduction should take place. According to a HRBA, it will no longer be possible to argue that poverty reduction is optional and a question of goodwill and charity. The state will be forced to admit it is a moral obligation. A HRBA claims the notion of rights will strengthen people’s demands for a remedy, and create a greater sense of urgency in poverty reduction efforts. However, the notion of rights



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can only realize its full potential if obligations and duty bearers are clearly defined, and accountability mechanisms established. If these aspects are not properly accounted for, the approach will merely be rhetoric.

The theoretical contributions to a HRBA claim national governments are the principal duty bearers. Thus, in the case of MDG1, signatory states have the primary responsibility for achieving the benchmarks agreed on at the UN Millennium Summit in 2000. This implies that if national governments, party to the Millennium Declaration, do not achieve the targets within the 2015 deadline, their citizens can hold them accountable. Consequently, they are also entitled to a remedy. The majority of states are facing difficulties in meeting the targets within the stipulated timeframe. Hence, the issue of accountability is indeed of the utmost importance. However, there are several problems connected to the manner in which a HRBA accounts for this distinguishing feature.

First, the state is never the only actor in the formulation and implementation of poverty reduction strategies. There will always be a wide range of organizations, working side by side or in cooperation with each other or the government. All these actors have their own agendas. Accordingly, they will try to influence, and sometimes even pressure, national governments into adopting the policies which they consider to be most appropriate. These actors are often in possession of vast amounts of money. Thus, they are capable of exerting an enormous pressure on national governments. The question that then emerges is if it really is legitimate to hold national governments accountable for policies that cash-rich development actors have forced them to apply?

For example, in the decade of structural adjustment in the 1980s, the World Bank (hereafter WB) and the IMF (International Monetary Fund) began to attach conditionalities to assistance and loans which they offered debt stricken developing countries. These structural adjustment programs were fuelled by the belief that market liberalization and openness would generate economic growth, which in turn would trickle down and ultimately result in poverty reduction (Kanbur and Vines 2000). However, in hindsight, it is evident that economic growth does not automatically have

a trickle- down effect which results in poverty reduction. In fact, it has become clear that a country can have economic growth on the one hand, and an increase in inequality and poverty rates on the other. The structural adjustment programs and their mantra of market liberalization, economic growth and privatization were not just ineffective. In some countries they even contributed to an aggravation of the already harsh conditions under which the poor lived (Ibid). These programs represented a violation of people's concrete rights. Thus, it should be possible for the poor to hold liable actors responsible if strategies, with similar effects, are being employed. However, national governments are not the only ones to blame. In such instances, it ought to also be possible to hold external actors accountable.

In its current shape, the conceptual framework of a HRBA ascribes the main bulk of accountability to the state. However, due to a scarcity of resources, national governments in developing countries are vulnerable to pressure from donors. The latter are usually trying to realize their own agendas. In situations where national governments are susceptible to external demands, concerning the content of their poverty reduction strategies, it will be inadequate to only operate with the state as primary duty bearer. In order for a HRBA to really change 'how' and 'why' poverty reduction strategies are being implemented, the approach needs to employ a concept of multiple duty bearers that are equally accountable. The state is seldom the only actor whose work affects the livelihood of the poor. The poor should have the possibility to hold all actors accountable, if strategies which they employ are not congruent with the concrete rights. If external actors coerce national governments into employing poverty reduction strategies which clearly breach with the concrete rights, it is important that these actors are subjected to the same scrutiny and accountability mechanisms as the state.

However, even if a HRBA employs a concept of multiple duty bearers, it will not entirely solve the problems attached to the notion of accountability. The huge numbers of external actors, which operate in the developing countries, also pose another challenge. Their efforts at reducing poverty will both overlap and be intertwined, in a manner which will make it almost impossible to distinguish who is

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responsible for strategies that breach with the concrete rights (Pogge 2003). The theoretical contributions to a HRBA do not present any solution to this problem. In fact, the issue is completely ignored.

All actors, involved in poverty reduction, should be made answerable to the same transparent, impartial and easy accessible accountability mechanisms as the state. In addition, external actors should create internal monitoring mechanisms which are congruent with a HRBA. They should, like the state, also be obliged to provide information to the poor about every aspect of their poverty reduction strategies (Nowak and Osmani 2004: 19). These actors also ought to include the poor in their program making, and encourage them to criticize their work and propose alternative solutions (OHCHR 2002: 52).

Another issue which receives insufficient attention in a HRBA is the nature of the duties which it prescribes. Proponents like Osmani describe duties as being positive, and claim states are obliged to fulfill the concrete rights of their citizens (2000: 288). However, the approach has a major flaw in that it depicts the poor as being entitled to the ‘most effective’ poverty reduction strategies available, but does not engage in a discussion on exactly what the content of these strategies is. This lack of specification makes it difficult for the poor to hold duty bearers accountable if they believe their concrete rights are violated. There is no consensus on what is the most efficient way to reduce poverty. Accordingly, it is quite possible for national governments to reject claims from the poor by saying the poverty reduction strategies which they employ are the most appropriate. This inherent weakness in the approach diminishes its strength, and prevents it from truly changing ‘how’ and ‘why’ poverty reduction takes place.

It is necessary to develop a common set of indicators designed to measure the degree to which the main characteristics of a HRBA are being implemented. This is important because the poor should be able to hold the state accountable if it does not make a real attempt to implement the defining features of the approach. The conceptual framework does not address this matter. However, since the approach attaches equal importance to the civil and political and social and economical parts of

HR, indicators should be established in order to distinguish the "HR achievement from human development achievement" (Osmani 2000: 290). Thus, indicators which make it possible to evaluate poverty reduction efforts in terms of HR achievement need to be developed. Indicators measuring, for example, the reduction in the number of people suffering from hunger (as is the case with regards to MDG 1) are only concerned with whether or not people's needs are being met at a given point in time. They do not give any indications on if people's right to food is secured.

Practitioners, who now maintain that they are employing a HRBA, still employ benchmarks which are identical to the ones used in human development monitoring (Ibid). The MDG targets only measures the outcomes of poverty reduction efforts, and are not at all concerned with exactly how benchmarks are achieved. Although HR is seen as the means and momentum behind the MDGs, no indicators have been adopted in order to measure if the defining features of the approach are being implemented.

There are currently no standards which can be used to determine if governments adhere to the principle of non-discrimination. It is important to establish such indicators. Without it states can, for example, achieve MDG targets, and at the same time neglect minorities. In order to make sure these principles are being applied to its programs, national governments have to operate with data which is as disaggregated as possible. Only by doing that, can national governments detect if their poverty reduction strategies have a negative impact on certain groups, or if some segments of society lag behind the majority in terms of goal attainment. Currently, indicators used to measure the achievement of the MDGs, only focus on the national level. The indicators do not look at the local situation. This needs to be altered, in order to ensure that everyone is takes part in the progress and advances are not being made at the expense of minority groups.

A more general critique has been raised by Manjii (1998: 14) who has attacked a HRBA for employing a narrow view of history, and not acknowledging that the struggle for rights has strong roots in the fight against the oppressive colonial powers. He particularly attacks the lacking ability of the aid agencies, which promotes a HRBA, to reflect on their own and their mother countries' historical roles in North

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South relations (1998: 14).

Similar accusations have been made by critics that feel a HRBA is characterized by too much of a top-down attitude towards developing countries. They claim the realization of HR should be allowed to evolve internally, and not be superimposed by leaders of the industrialized world (Ibid). A quote from Jaipal Reddy, member of the Indian Parliament, illustrates the critique: “The rights-based approach to development cooperation seeks to bring about empowerment through external pressure and is based on the dogma that all that is required for poverty eradication is ‘good’ leadership, ‘good governance’ and empowerment of ordinary people. That is patronizing to say the least, as it is based on the assumption that good governance is the only missing link between national poverty reduction intentions and actual poverty reduction. The underlying approach seems to be of moral superiority of the donor and also superiority with regard to insights into what would be in the best interests of the South.”<sup>5</sup>

Correspondingly, Nyamu-Musembi and Cornwall claim a HRBA in is a cover for the continuation of programs characterized by an employment of “openly intrusive conditionalities that no longer fit today’s rhetoric of partnership and policy dialogue” (Ibid: 11).

## ***2.5 Operationalization***

I will examine the characteristic features of the implementation of a HRBA in Cambodia. Furthermore, I will also look at to what extent a HRBA is dependent on democracy for successful implementation. My case study will be based on data from three different levels in Cambodia: 1. The UN, bilateral donors, foreign NGOs and members of Cambodian civil society 2. The RCG and 3. Rural farmers in the provinces of Pouthisat and Banteay Meanchey.

While interviewing officials of the UN agencies, I will request them to asses their own, and the RCG’s, efforts to implement the defining features of a HRBA.

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<sup>5</sup> Cited in Nyamu-Musembi and Cornwall (2004: 6).

Similarly, when speaking to RCG officials I will request an evaluation of their own, and the UN agencies', endeavors to employ a HRBA. In my interviews with bilateral donors, foreign NGOs, members of Cambodian civil society and rural farmers, I will ask for their review of the UN's and the RCG's efforts to make use of a HRBA.

### **2.5.1 Accountability**

I will examine if measures have been taken by the UN and the RCG in order to implement the accountability feature. First, I will establish how officials of the UN and the RCG interpret the content of this feature. I will do it by asking questions like: Who do they consider to be the principal duty bearer in a HRBA? Do they acknowledge that Cambodians possess a HR to be free from poverty? What kind of duties do they believe a HRBA entails - moral or legal, or both? Second, I will examine if this feature has been implemented in practice. I will do so by posing questions like: What kind of duties does their institution believe it is bound by, if any, when it employs a HRBA? What measures will their organizations take against employees that violate these duties? Does the institution they work for have an official policy on whether or not remedies should be given if breaches occur? If so, what will the remedy be? Has their institution created any internal monitoring mechanisms which evaluate the effectiveness of its poverty reduction strategies?

When conducting interviews with bilateral donors, foreign NGOs and members of Cambodian civil society I will focus on their assessment of the UN's, and the RCG's, efforts to establish accountability by posing questions like: Do they believe the UN/the RCG acknowledges that Cambodians possess a HR to be free from poverty? Do they think the UN/the RCG currently is employing a HRBA in its efforts to achieve MDG 1? If they know of any concrete measures taken by the UN/the RCG to establish accountability mechanisms?

When speaking to farmers in the case study areas, I will try to get an insight into whether or not the accountability feature has been implemented at the ground level by asking questions like: What do they think is the reason why so many farmers in Cambodia are poor? Who do they consider to be responsible for that problem? Why do they believe these actors are accountable? Do they know of anywhere they can

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utter complaints if they are not satisfied with the work of the RCG/the UN? Do they know whether or not the local government has created any groups where the poor can evaluate its performance?

### **2.5.2 Participation**

When talking to officials of the UN/the RCG, I will examine if active and informed participation has been implemented by posing questions like: Has the level of participation by the poor increased since the UN/the RCG began to employ a HRBA? Have any measures been taken by the UN/the RCG to include the poor, or their interest organizations, in: The formulation, implementation, monitoring and evaluation of its poverty reduction policies?

When speaking to bilateral donors, foreign NGOs and members of Cambodian civil society, I will examine whether or not the UN/the RCG has ensured active participation by the poor, through posing questions like: Do they believe the UN/the RCG has taken measures to ensure and promote active participation by the poor, interest organizations of the poor and local and foreign NGO's? Do they think the UN/the RCG has become more inclusive in its policy making during the last five years?

When conducting interviews with farmers in the case study areas, I will establish whether or not the UN/the RCG has taken measures to attain active participation by posing questions like: Do they have any contact with the local government? If so, how long have they had this contact? Do they feel the RCG/the UN has included the poor more in its decision-making during the last 5 years?

### **2.5.3 Empowerment**

When talking to officials of the UN/the RCG, I will examine whether or not attempts have been made at realizing the empowerment aspect, by posing questions like: Has the UN/the RCG carried out any information campaigns in order to educate the poor about HR and the duties of actors which employ a HRBA? What measures has the UN/the RCG taken to keep the poor informed about all aspects of its poverty reduction strategies? Has the UN/the RCG taken any measures to enhance the

possibilities of the poor to organize in interest groups, through for instance providing financial or technical support?

When conducting interviews with bilateral donors, foreign NGOs and members of Cambodian civil society, I will examine if the empowerment feature has been implemented by asking questions like: Do they know of any information campaigns, initiated by the UN/ the RCG, aimed at informing the poor of their right to poverty reduction?

When conducting interviews with farmers in the case study areas, I will examine if any measures have been taken, at the ground level, to at empower the poor. I will do this by posing questions like: Have they ever heard of the HR? Have they ever heard of the MDGs? Do they know what MDG1 is? If so, where, from whom and when did they get this knowledge? Do they believe the RCG acknowledges their right to poverty reduction? Do they know of anywhere they can go to get information about work the RCG is doing? Do they feel the UN/the RCG is open about work projects in their community?

#### **2.5.4 Non- discrimination and inequality**

I will examine whether or not this feature has been implemented by asking the different levels of society questions like: Do they believe all poor benefit equally from poverty reduction strategies initiated in order to achieve MDG1? Do they believe that everyone is given the same opportunities to participate? Do they know of any minorities groups that are being excluded from efforts to reduce poverty and achieve MDG1?

#### **2.5.5 Democracy**

I will examine to what extent a HRBA is dependent on democracy for successful implementation by posing questions like: Do you think the RCG is respecting, protecting and fulfilling civil and political rights in a manner which makes it feasible to implement a HRBA? Do you believe it is possible for a country like Cambodia, with such a poor democratic performance, to nevertheless employ a HRBA? If yes, why do you think so and how can it be done?



### **3. The characteristic features of the implementation of a HRBA to poverty reduction in Cambodia.**

#### ***3.1 Introduction***

In this chapter I will investigate the characteristic features of the implementation of a HRBA in Cambodia. I will do it by analyzing and comparing opinions from different levels of Cambodian society. In order to discuss the different actors' assessments of the implementation process, it is necessary to first develop an understanding of how the different levels perceive rural poverty. After presenting the different actors' views on rural poverty, I will continue by discussing if my informants believe a HRBA is currently being applied to poverty reduction strategies in Cambodia. Thereafter I will focus on the four defining features of a HRBA, and discuss to what extent they have been realized. I will also indicate the obstacles different actors believe are hampering the implementation process. Finally, I will discuss how the RCG's low democratic performance has affected the efforts at employing a HRBA in Cambodia.

#### ***3.2 Rural poverty in Cambodia- causes and responsibility***

There are marked differences in what donors and civil society, the RCG and rural farmers consider as the main causes of poverty. There are variances within organizations, particularly amongst the different UN agencies. Divergence between what the actors publicly state as reasons for Cambodia's high poverty rates, and opinions expressed in the interviews are also common. The latter is particularly evident in the RCG's perception of rural poverty. Officially the RCG claims that rural poverty has largely resulted from "high population growth, inadequate opportunities, low capabilities, insecurity, exclusion, and vulnerability" (RCG 2002: iii). However, in private, representatives of the RCG placed the blame on historical events. They claimed the country's high prevalence of poverty is a result of the French colonization and a long civil war. They felt that due to these unfortunate circumstances Cambodia has not had the same opportunities to develop as, for instance, neighboring Thailand.

The RCG representatives admitted that poverty reduction has been slow, but ascribed all responsibility for that to foreign donors and farmers in rural areas. They

asserted that a shortage of aid is the main reason why poverty rates have failed to decrease. One government official claimed that if only the donors will provide more funding, the poverty reduction will “go very fast for Cambodia, very fast!” The RCG representatives confessed that people in rural areas are poor because employment opportunities are wanting. However, they maintained that currently the state does not have enough money to generate employment by investing in the countryside. An employee at the Council of Ministers elaborated it by claiming the RCG does not have any revenue, and thus can only make plans for development. He said: “We have the ideas, what is needed now is more funding”. In addition, government officials also stated that the government has done as much as possibly with its limited amount of resources.

The RCG representatives asserted that an increase in landlessness amongst rural farmers is the other major reason why poverty has not diminished. However, they denied that this is caused by land grabbing and distress sales. Instead they blamed the rural farmers. Several government officials claimed the increase in landlessness is caused by rural farmers’ desire for fast cash, and said a recent growth in real-estate prices has led many farmers to sell their land. As a result of this, farmers have been forced to move away from fertile areas and into more mountainous regions, where the possibility for agricultural activity is slim. The RCG representatives believed that these unwise decisions, made by rural farmers, have led to the stagnation in poverty rates.

In public the RGC states that poverty is “economically wasteful, morally unacceptable, and socially divisive” (RCG 2002: 5). However, in the interviews I conducted with members of the RCG, they expressed quite a different view. They described poverty as a normal and unavoidable element of a liberal economy. A statement made by one government official illustrates this attitude: “You must understand that in a free market economy there are rich people and there are poor people. Normally there are more poor people than rich. It is like that in all countries”.

The opinions of farmers in the case study areas, concerning the causes and responsibility for the high poverty rates, were largely similar. A majority of them

believed that unfavorable weather conditions are the main source of rural poverty. They claimed that as rice farmers they are completely dependent on adequate rainfall every year. Accordingly, they stated that the drought, which has plagued Cambodia in recent years, is the key reason why poverty rates have not decreased. Like the RCG representatives, many farmers also put forward historical events as explanatory factors for the widespread poverty. They particularly felt the civil war had hampered the possibilities of rural areas to develop and prosper. Furthermore, they claimed the past conflict continues to obstruct their farming activities, since large amount of landmines still makes it dangerous for them to do their work.

Many farmers also held the RCG responsible for the persistence of rural poverty. They accused the government of neglecting their need for irrigation systems, employment opportunities and micro credit. One farmer asserted that: “The government is responsible for improving the situation. If the government helps the people, their lives will improve. However, the current government does not care about us, and therefore everything stays the same”. Some farmers even blamed themselves; they claimed that people in rural areas are poor because they do not know enough about modern farming techniques, lack general knowledge and do not have any goals. Surprisingly, most farmers felt their situation has improved over the last five years. However, they did not attribute the favorable shift to any efforts made by the RCG, but claimed it was a result of the war ending and increased assistance from NGOs.

Amongst donors and NGOs there was a sharp divide between how actors working with HR and good governance, and the ones involved in more traditional development activities, perceived poverty. HR organizations, the OHCHR, and the WB mainly held the RCG accountable for the high poverty rates. They put forward corruption and land grabbing as the key reasons for rural poverty. In contrast to the RCG representatives’ cry for more funds, these organizations firmly asserted that massive amounts of aid are being poured into Cambodia every year. An OHCHR representative stated that: “Due to corruption by high level government officials, donor money does not reach the poor”. A WB official said the RCG is responsible “because it is the government’s role to make sure that whatever investments and

Official Development Assistance [hereafter ODA] they receive are used properly”. In addition several WB representatives also emphasized the liability of other actors. They claimed investments from China render it possible for the RCG to keep up their corrupt practices. They accused the Chinese of not being aligned with mainstream donor thinking, and stressed that there is no conditionality attached to the Chinese investments. Accordingly, one WB official stated that: “It is not a lot the other donors can do. They exercise as much leverage as they possible can, in terms of threatening to reduce ODA, but this government does not care because they can, for political reasons, get even more money from China.”

As opposed to the optimistic assessments made by farmers in Pouthisat and Banteay Mean Chey, officials at the HR organizations and the WB believed the livelihoods of poor Cambodians have deteriorated in recent years. The OHCHR claimed that due to an increase in landlessness the situation in rural areas has become worse. In sharp contrast to the RCG’s explanation, the OHCHR representatives blamed the growth in landlessness on the military and government officials. They claimed these actors, at an increasing pace, are grabbing properties from the poor. Furthermore, they were also skeptical of the RCG’s efforts to reduce poverty. The WB officials were the most critical, and one of them even said: “If poverty has been reduced in Cambodia, it has been purely by accident. There has certainly not been any committed effort by the RCG to do so”. Some informants, in civil society and academia, even claimed the RCG has an interest in keeping the majority of Cambodians below the subsistence level. The head of one HR NGO stated that: “This government does not really want to fight poverty, because it is much easier to control the poor than the rich.” She elaborated it by saying that, as opposed to the rich, poor people do not have the time or the strength to think about the government’s performance.

The organizations engaged in more traditional development work emphasized the multiplicity of reasons for Cambodia’s high poverty rates. As the RCG representatives, they first and foremost placed the blame on historical events. Officials at the Food and Agriculture Organization of the United Nations (hereafter

FAO) stressed that Cambodia has been a victim of international power struggles, like the Vietnam War. They believed this has impeded the country's attempts at reducing poverty and focusing on development. A majority of the officials working in more traditional development agencies said the past civil war is the main reason for the high poverty rates in Cambodia. Apart from historical events, they also emphasized that a lack of investment in the agricultural sector is a major cause of rural poverty. However, they stressed that the RCG is not the only actor to blame for this. An UNICEF official claimed that: "Agriculture is a sector which also the donors have completely missed in the past years, because so much money has been given in humanitarian assistance and to other sectors of development".

The majority of informants, in these organizations, believed some progress has been made since MDG1 was adopted in 2000. They commended the government for its attempts at realizing MDG1. A FAO official even said: "The effort of the RCG has been excellent!" The only exception was the UNICEF representative who claimed: "The RCG's poverty reduction plans are only a way to please the donors, it is all rhetoric". An official of the UNDP praised the government's work, but also stressed that with regards to MDG1 the RCG is not where it was expected to be, and has to make some more efforts in order to achieve its targets.

There is one thing which the different groups have in common; their perception of rural poverty depends on the nature of their organization's agenda. The RCG has an interest in convincing the international community that poverty reduction is the main focus of all its policies. If the RCG does not appear to take this problem seriously, they will lose the donors' goodwill. Thus, in order to generate revenue, which RCG officials need to sustain their lavish lifestyle, the government has to publicly declare war on poverty. In private, however, their actual beliefs emerge. It becomes clear that they do not accept any responsibility for the high levels of rural poverty. Unfortunately, the UNICEF official, who claimed the RCG's poverty reductions policies are all rhetoric, seems to have made an accurate assessment.

The traditional development-oriented organizations work closely with the RCG, and depend on the government's cooperation in order to implement their

projects successfully. Accordingly, it is necessary for these agencies to have good relations with the RCG. Thus, they are more inclined to blame the high levels of rural poverty on inoffensive historical factors, like the Vietnam War. Organizations with HR and good governance on their main agenda are more likely to ascribe accountability to the RCG, because they hold a watchdog position in Cambodian society. They are not reliant on having good relations with the RCG in order to do their work. In fact, their task is to advocate the rights of the poor, and scrutinize the RCG's efforts to fulfill the corresponding duties.

Interestingly, none of the farmers felt the international community has any responsibility for the persistence of rural poverty. They only ascribed accountability to the RCG and themselves. The farmers almost automatically put forward the RCG as the actor responsible for improving their livelihood. This must be taken into consideration when a HRBA is being employed. Since the government is considered as the liable actor by the grassroots, the implementation of a HRBA will be most effective if the RCG is chosen as the main duty bearer.

The reason why rural poverty is so widespread in Cambodia, can be found somewhere in between these extremities. Obviously the country's tragic history is a major cause of poverty. However, it does not explain why Cambodia has not witnessed a decrease in poverty rates in recent years. Over the last decade the country has received billions of dollars in ODA. In spite of this, the RCG has not been able to reduce poverty. Clearly, the government must accept some responsibility for the persistence of this problem. Some accountability also lies with the international community. Bilateral donors and multilateral development agencies have mostly provided the RCG with non-conditional aid. Unfortunately, this has created a situation where large portions of the funds never reach the poor. Instead the aid has a sad tendency to disappear into the pockets of already wealthy RCG officials.

### ***3.3 Is a HRBA being applied to strategies aimed at achieving MDG 1?***

A majority of the actors I interviewed claimed they were employing a HRBA in their efforts to achieve MDG1. However, when they assessed each other a completely different picture emerged. Only a handful of them believed the other actors were

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actually implementing a HRBA in practice.

A majority of the UN officials claimed the organization is employing a HRBA in its efforts to achieve MDG1. In fact, surprisingly, the UNDP representatives and FAO employees maintained that their agencies have been employing a HRBA, even before it became official UN policy. An official of FAO stated that: “We have been doing it for a long time, we just didn’t put such a nice phrase on it; a catch phrase”. The UNDP officials admitted that previous UN strategies have been more needs-based, but claimed their agency has always employed a HRBA in Cambodia. One UNDP representative elaborated it by saying: “I cannot really see a moment when we started to employ a HRBA. It might have become more vocal and explicit than before, because now we have the theoretical force to do that, but it has always been here in principle.” UNICEF officials put forward a more nuanced view. One claimed: “The employment of a HRBA by UN agencies in Cambodia is still in its infancy. The sectors which are involved in MDG1 are very much aware of the rights, but the HRBA is not strong enough.” Furthermore, they said that currently only UNICEF and a few other agencies are employing a HRBA. However, the UNICEF representatives were optimistic and believed that all UN agencies will manage to mainstream a HRBA into their programming within the next five years.

The OHCHR representatives were the most critical of all my informants at the UN. They firmly stated that the UN in Cambodia is not employing a HRBA in its efforts to achieve MDG 1. It is only on paper, in reality we don’t the officials claimed. Furthermore, an official of the OHCHR stated that: “There is a commitment at the UN headquarters to make the implementation of the MDGs rights-based; however, this dedication is not being reflected at the country level”. Many OHCHR officials even claimed that UNICEF, which is usually characterized as the most rights-based organization, is still employing a needs-based approach. They believed that within the UN agencies there is a lot of confusion concerning the exact meaning and content of a HRBA. They claimed many UN employees believe they are applying a HRBA, when in fact they are still using a needs-based approach. I found this assumption to be true. Confusion with regards to what a HRBA implies was evident in several of my

interviews. Many UN employees were unable to see the distinction between a HRBA and previous approaches. A statement made by an official of the UNPD illustrates this uncertainty: “If we accomplish the Cambodian Millennium Development Goals [hereafter CMDG] targets by 2015, I think that we will also achieve a HRBA”. Here the UNDP official fails to understand that attaining the goals is only equivalent to redeeming people’s needs, and does not necessarily correspond to the successful implementation of a HRBA.

WB officials also stressed that there is a lot of confusion attached to a HRBA. They claimed that even though they have been to trainings, arranged by the UN, and read a lot about a HRBA, it is all still very unclear. An official of the WB stated that: “A HRBA doesn’t seem any different than other logical analytical approaches looking at the causes and consequences of poverty, and then addressing them”. Some UN representatives even displayed a direct unwillingness to internalize the new approach. A statement by an official of FAO illustrates this reluctance: “Suddenly someone at the UN headquarters started to think ‘Ah! Human rights, this should be the flagship of the UN’. And then human rights became the central focus or fashion. The UN is always developing new concepts and we are often very much confused by this. So now everything has to be focused on human rights, so we start to *say* rights-based this and that.”

A majority of the informants in civil society and academia praised the UN’s efforts to employ a HRBA in Cambodia. However, they also emphasized that the level of commitment varies between the agencies. UNICEF and UNAIDS (The Joint United Nations Programme on HIV/AIDS) were usually put forward as the most dedicated. As opposed to this, some informants were more pessimistic of the UN’s efforts to apply a HRBA. They said that, at present, a HRBA is not being employed in Cambodia. A human rights lawyer justified his negative attitude by saying: “This is how it works: the UN headquarters decide on a new policy and the UN personnel goes: ‘so what is it this time? Needs-based? Rights-based?’ And then they just continue on with their business.”

A majority of the informants believed the RCG is not employing a HRBA in its



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efforts to achieve MDG1. In fact, the only exceptions were FAO and the RCG officials themselves. The RCG representatives maintained that the government is applying a HRBA, and truly believes that all Cambodians possess a human right to be free from poverty. FAO officials were also convinced that the RCG is employing a HRBA in their efforts to achieve MDG 1. One FAO representative stated that: “The RCG is showing its commitment, by having the right attitude”. Furthermore, FAO officials stressed that the RCG’s policies clearly state that the government is a hundred percent committed to the MDGs and a HRBA. They asserted that the RCG is not only employing a HRBA on paper; the government is doing it in practice as well. The other informants completely disagreed with this statement. Most of them claimed there is a capacity problem at the government level, and said the RCG does not yet fully understand the idea of a HRBA. They emphasized that for the RCG a HRBA is a new concept, and said the RCG is not able to distinguish a HRBA from human rights per se. However, most of them predicted the RCG officials would in fact say that they are applying a HRBA, and claim that poverty constitutes a human rights violation. One UNICEF official elaborated it by saying: “The RCG acknowledges that Cambodians possess a human right to be free from poverty. However, to be very frank, there has been pressure from the donors, and the RCG always want to please the donors, so I think that is why they will say yes. In reality I don’t think they have really accepted this concept yet”. I discovered that these assumptions were correct. The RCG representatives repeatedly maintained that the government is employing a HRBA. However, when I posed more detailed questions, concerning the content of a HRBA, they displayed limited knowledge and understanding of the approach.

The informants in civil society and academia did not believe the RCG is employing a HRBA in practice. A majority of them said the government acknowledges that the Cambodian people possess a human right to be free from poverty, however, they stressed that this recognition only exists on paper. They asserted that the definition of what it means to have a human right to be able to sustain oneself is not understandable for everyone in the RCG. The informants claimed that even though there are some people at the highest level of government

who believe their citizens possess socio- economic rights, they said the different ministries and implementing agencies are not aligned with the rights-based thinking. Furthermore, they thought the RCG does not respect the civil and political rights in a manner which is congruent with a HRBA.

A majority of the farmers that I talked to said they believe the RCG acknowledges that they possess a human right to be free from poverty. However, they emphasized that, at present, the RCG does nothing to fulfill this right.

As with the views concerning rural poverty, the HR organizations and the more traditional development agencies were also divided on whether or not the UN currently employs a HRBA in Cambodia. Surprisingly, officials from the development agencies not only thought a HRBA is being implemented, they also claimed it has always been the practice of the UN country team. The HR organizations, on the other hand, maintained that a HRBA is only employed in theory, and not in practice. Once again, the standpoints represent two extremities. The divergence can only be explained by a difference in how agencies perceive a HRBA.

Apparently, UNDP and FAO officials are under impression that as long their organizations acknowledge that the MDGs are HR benchmarks, a HRBA is being employed. This, however, is a grave misconception. Achieving the MDGs is not equivalent to securing HR, it is about meeting people's needs. Officials of these agencies seem to think that by using a different wording, their poverty reduction strategies have changed from needs-based to rights-based. As opposed to this, the HR organizations hold a more juridical view of a HRBA, one which demands comprehensive alterations in order for the approach to be employed.

It is fascinating, and alarming, that the interpretation of one approach can differ this much within a single organization. The lack of coherence seems to hail from a low level of communication between the UN headquarters, which develop the different approaches, and the country team that is supposed to implement them. Apparently, when a new approach arrives from the headquarters, local UN agencies simply adapt it to their existing policies. In the case of the UNDP and FAO, it seems the implementation of a HRBA has been limited to changing the terminology from

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needs-based to rights-based. By doing so, the agencies avoid both time-consuming alterations and possible disagreements with the RCG. The OHCHR, on the other hand, is already focusing on HR. Thus, it is easier and less expensive for this agency to use a HRBA in its true form. This explains the discrepancies between the different agencies' perception of a HRBA. If a HRBA is to be implemented successfully, the UN headquarters have to monitor the country team more closely. There must be developed indicators that can measure the degree to which agencies are employing a HRBA. If not, it will only be the wording, and not the practice, that will be altered when a new approach arrives.

Also with regards to the question of whether or not the RCG is employing a HRBA, the divide between the HR organizations and the development agencies is evident. The latter were reluctant to criticize the RCG, and generally said there at least were some traces of a HRBA in the government's work. The organizations working with HR, on the other hand, were more skeptical. Officials of these agencies unanimously claimed the RCG only applies a HRBA in theory, and not in practice. Their statements were supported by informants in civil society and the case study areas. Once again, officials of FAO and UNDP were not in tune with the views expressed by the other informants. They seemed eager to present the RCG in a favorable light. If they did admit that the RCG has some problems with the practical implementation of a HRBA, they never blamed it on a lack of will within the government. On the contrary, they said it was due to a capacity problem, and thus exonerated the RCG of any responsibility. The government officials I talked to, on the other hand, displayed blatant disregard for the struggles of their people, and a complete lack of will to take the issue of poverty seriously.

It is understandable that these UN agencies wish to maintain good relations with the RCG. After all, they are dependent on the government's cooperation in order to do their work. However, this should not be at the expense of official UN policy. According to the 1997 UN reform, all agencies are supposed to mainstream HR into every part of their programming. Consequently, development can no longer be the sole focus of their work, promoting HR must be a top priority too. UN agencies are

obliged to speak up when the RCG does not fulfill the HR of its citizens, even if it jeopardizes their relationship with the government. It is important that the UN calls the shots, not the RCG. Since these UN agencies refuse to criticize the government, they are in danger of becoming RCG puppets. At present, it is profitable for these agencies to follow the RCG's lead. However, if they apply a long-term perspective a lot more can be gained by pressuring the government and making RCG officials adhere to a HRBA.

Several UN representatives claimed the core problem within the RCG is the government officials' inability to distinguish a HRBA from HR per se. This was an assumption which I found to be true, not only for the RCG, but also with regards to quite a few UN agencies. Officials of FAO and UNDP, in particular, thought that acknowledging people's HR is equivalent to employing a HRBA. Clearly, a lack of knowledge about a HRBA is an issue which also ought to be addressed within the UN country team. It seems the UN headquarters have been in such a rush to employ a HRBA that they have forgotten where the real challenges lie. The emphasis appears to have been on developing the theoretical aspects of a HRBA, not on how it should be implemented in practice.

### ***3.4 Accountability***

There was a general agreement among officials of different UN agencies that a HRBA prescribes multiple duty bearers. They believed there are different aspects of poverty, and claimed each dimension has a separate set of duty bearers and claimholders. Furthermore, they asserted that there are layers of accountability, and said the relationship between claimholders and duty bearers go all the way down to the farmers themselves. However, some informants emphasized that the main responsibility should be ascribed to the national government. An OHCHR representative even said there is a clash between people pushing for a HRBA with multiple duty bearers, and supporters of an approach with only one liable agent; the state. The OHCHR officials claimed that even though the major UN agencies in Cambodia believe a HRBA prescribes multiple duty bearers, the OHCHR maintains that the biggest share of responsibility should be assigned to the state. They said a

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HRBA ought to be based on the international human rights treaties, which are legally binding and only hold national governments accountable.

The government officials claimed the RCG is employing a HRBA in its efforts to achieve MDG 1, but they were all either unable or unwilling to answer any questions concerning the accountability aspect. However, in the RCG's official documents the government maintains that the donor community and the RCG should share responsibility if Cambodia fails to attain its CMDG targets (RCG 2003: xx).

A majority of the informants in civil society and academia said there is only one duty bearer in a HRBA. They believed the national governments are the responsible agents. The head of one HR NGO even claimed: "It is the duty of the government to take care of its citizens. If the government cannot or will not do this, then it is not capable and its representatives do not deserve to lead the people".

Most of the farmers also claimed there is only one duty bearer; the government. Surprisingly, the majority of them were not thinking about the central government in Phnom Penh, on the contrary, they were referring to local government institutions like commune councils and village chiefs.

There was no consistency in how UN representatives viewed the nature of the duties prescribed by a HRBA and the right poverty reduction. Officials of the UNDP all claimed a right to poverty reduction implies both legal and moral duties. They said it is legal because international declarations, like the Millennium Declaration, are legally binding treaties. However, they also asserted that since there are no mechanisms to hold governments accountable if they fail to fulfill their duties, it becomes a moral obligation. Accordingly, they believed it will be impossible to hold the RCG accountable if they fail to realize the CMDG targets. They also thought there is no responsibility attached to employing a HRBA. One UNDP official said: "It is not possible to identify a person who is not implementing or violating a HRBA. You can violate a right, you cannot violate an approach".

Officials at the OHCHR also said a HRBA and the right to poverty reduction prescribe moral and legal duties. However, their explanation why was quite different from the one given by the UNDP. The OHCHR representatives claimed that the

nature of the duties depends on which dimension you look at. In the collective dimension the claim of the state, as a poor state, to the donor community is more moral than legal. In the individual dimension, on the other hand, it is legal. The latter is particularly true in Cambodia since the state has ratified the six major international human rights treaties. The OHCHR officials did not believe UN agencies are bound by any duties if they employ a HRBA. However, they argued that it will be great if the UN develop criteria to assess to what extent employees, especially the residence coordinators, have been pushing for the implementation of a HRBA. Several UN representatives claimed that currently the residence coordinators are only judge on whether or not they succeed in bringing in a lot of money to the country. One official elaborated it by saying that: “At present it is pretty bad, if they manage to raise large amounts of funds they are regarded as good willed coordinators”

There were also huge variations in how the different UN agencies viewed the nature of their relationship with the RCG in a HRBA. Officials of the UNDP claimed the UN is in no position to pressure the RCG into complying with a HRBA and achieving MDG1. In fact, they said the RCG is committed to the declarations, and does indeed comply. Accordingly, they felt the UN’s role is to help the RCG in their efforts to deliver their commitments. The UNDP officials also claimed it is unnecessary to measure the extent to which the distinguishing features of a HRBA are being implemented. They said it is much more important to promote a mindset which is rights-based, than to monitor the implementation of a HRBA in a rational and scientific way. As opposed to this view, the OHCHR officials believed that indicators, which measure both the outcome of a HRBA and the implementation process itself, ought to be developed. They claimed it is important to have indicators which measure the outcome not only as development output, but also evaluates it from a human rights point of view. At present, the MDG indicators do not measure the extent to which the socio-economic rights are being fulfilled.

Officials of the OHCHR claimed that, currently, the point of accountability is completely absent in the relationship between the UN agencies and the RCG. They maintained that the UN does nothing in order to push the RCG into complying with a

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HRBA. One OHCHR representative described the situation as follows: “Currently, the documents which the UN circulates within the donor community are saying MDGs and Human Rights. However, when the UN agencies talk with the RCG they just say MDGs, and cease to talk of Human Rights”. The OHCHR officials felt the lack of pressure had two causes. First, they believed it was due to a very conservative approach by the residence coordinator and reluctance within the UNDP. The OHCHR representatives said they have been trying to get the residence coordinator to put more pressure on the RCG, but claimed their efforts have not led to any changes. Human Rights is a very sensitive issue, and just mentioning the word can create difficulties for the residence coordinator and the UNDP. Accordingly, the OHCHR officials believed the residence coordinator and the UNDP are afraid to put pressure on the RCG, because it can create obstacles that will make it hard for them to do their business.

Second, the OHCHR officials believed the lack of pressure on the RCG is caused by the general trend that UN agencies, in Cambodia, are only pushing for their own agendas. They asserted that a HRBA is not the main agenda of most UN agencies. One OHCHR representative said, with regards to the UNDP, that: “Even if they think a HRBA is a positive thing, it is not their main agenda. The UNDP’s key focus is on the MDGs, so that is what they push for”.

Furthermore, officials of the OHCHR also questioned if it really is the RCG which needs to be pushed. They claimed that currently the implementation of the MDGs is completely donor driven. An OHCHR representative even said: “The RCG is only on board in order to get their hands on some donor money”. Accordingly, they felt the real challenge will be to persuade the donor community into collectively convincing the RCG to adopt a HRBA. The OHCHR officials claimed the UN is completely dependent upon the donor community in order to successfully implement a HRBA. In Cambodia the donor presence is very deep. In order to exert pressure on the government the UN has to cooperate with other actors. However, a majority of the informants felt the UN is unable to get the donor community aligned with a rights-based thinking. They said that as long as big donors like China and Japan are not

willing to pressure the RCG, it will be almost impossible to implement a HRBA in Cambodia.

A majority of the informants in civil society and academia also said the Japanese and Chinese aid and investment policies represent a major obstacle to the implementation of a HRBA. They emphasized that there is no conditionality attached to funds which the RCG receives from these countries. They believed the Japanese and Chinese unwillingness to pressure the RCG, makes it impossible for other actors to hold the government accountable. When confronted with these accusations a JICA official admitted that the Japanese government is not really pressuring the RCG. The JICA representative said her government does not get involved in the internal matters of recipient countries, because it wants to avoid conflicts with the national governments. However, the JICA official claimed her government actually does try to influence RCG's attitude towards human rights, but said the Japanese leaders do it gradually and through indirect means. The JICA representative herself, on the other hand, stressed that personally she does not agree with the indirect approach. She thought human rights ought to be perceived as a universal matter, and said the Japanese government should put more pressure on the RCG.

The informants in civil society and academia also claimed the lack of functioning institutions has been a major obstacle to the implementation of a HRBA. However, most of them emphasized that the situation has improved in recent years. The SEILA program and commune elections were frequently put forward as positive steps towards establishing accountability at all levels of Cambodian society. They emphasized that even though, at present, the new institutions are not working perfectly; the decentralization has enhanced the claimholders' chance of holding the duty bearers responsible. The latter was reflected in the answers from the farmers in the case study areas. When asked if they knew of somewhere they could complain if they were not satisfied with the work of the RCG, many answered the village chief. The village chiefs in turn said they bring the farmers' concerns to the commune leaders, who said they take it all the way to the provincial level. These answers illustrate how decentralization can facilitate establishment of accountability.



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However, a majority of the farmers said they are afraid to go to the village chief and criticize the work of the local government. Many were also frustrated with the way government officials respond if they dare to complain. They said that usually the chief of village simply ignores their concerns and everything stays the same. Only a couple of farmers said the local government has established monitoring groups, where villagers can evaluate the performance of the village chief or commune leader. These findings substantiate the concern, expressed by many NGOs, that there is a lack of accountability since the government officials at local levels are appointed instead of elected. The necessary institutions have been set up, what remains are only to establish electoral control of the local government. In order to have real accountability the villagers must be able to hold their local representatives responsible through direct election.

As opposed to the theoretical contributions to a HRBA, which put forward the state as the primary duty bearer, a majority of UN officials in Cambodia claimed a HRBA prescribes multiple duty bearers. Furthermore, the divide between the OHCHR and the more traditional development agencies was again apparent. Officials of the OHCHR were more aligned with the theoretical contributions, with regards to how they perceived the duties prescribed by a HRBA. The OHCHR officials were supporters of a HRBA based on international HR treaties, with a single duty bearer; the state. Thus, they adhered to a juridical interpretation of the approach. The traditional development agencies, on the other hand, advocated a softer version. They were in favor of multiple duty bearers, and claimed a HRBA prescribes moral rather than legal obligations.

The discrepancy between the agencies' interpretations of a HRBA can be explained by the fact that the approach has mainly been developed by the OHCHR. Accordingly, OHCHR staff has had easier access to information about a HRBA. Hence, they are more in tune with the views of the UN headquarters, than the rest of the country team. In addition, a HRBA demands greater changes from officials of the development agencies, because they are used to employing a needs-based approach. Since a soft HRBA is easier to adapt to their current practices, these agencies are

more inclined to promote that version of the approach.

In a soft HRBA the state is no longer assigned the overall legal responsibility. As a result, this interpretation opens up for a variety of duty bearers at many different levels. Accordingly, responsibility is blurred and it becomes impossible to assign blame. For instance, if a child's right to education is not being fulfilled, the government will blame the teacher and vice versa. Consequently, the child's HR will remain unfulfilled. A soft HRBA is dangerous because it undermines the strength of the HR concept. Indeed, HR are acknowledged in the softer version, but due to the blurring of responsibility people are cheated out of any chance to claim them. In this sense the poor are not only deprived of their rights, their opportunity to protest against liable actors is also taken from them. If a HRBA really is to revolutionize poverty reduction, this weakness has to be corrected. This, however, does not necessarily imply that there should only be one duty bearer, in fact multiple is favorable. What is essential is that the duty bearers, and their obligations, are clearly identified.

Surprisingly, officials of the OHCHR and representatives of the development agencies all asserted that there is no responsibility attached to employing a HRBA. Accordingly, they said the UN is not bound by any duties when it makes use of this approach. This is in clear breach with their claim that a HRBA prescribes multiple duty bearers. If there are duty bearers in a HRBA, then there must be duties. It is disturbing that the UN, which is supposed to be the pioneer of a HRBA, disclaims itself of any responsibility. The theoretical contributions to a HRBA state that the poor have a concrete right to the most effective poverty reduction strategy available. In developing countries the work of foreign organizations has a direct impact on whether or not people's concrete rights are realized. Thus, it is crucial that these foreign actors accept responsibility, and acknowledge their role as duty bearers. As it is now, the UN agencies in Cambodia claim all actors, except themselves, are accountable. Again, this is possible because the conceptual framework of a HRBA is currently both weak and incomplete.

The theoretical contributions also have to be revised with regards to the duties which they prescribe. In order for a HRBA to change the status of the poor, from

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passive recipients of aid to strategic partners with claimable rights, the conceptual framework has to specify the rights more clearly. Moreover, it is crucial that the rights are in fact made claimable, and indicators created that can measure the extent to which they are being fulfilled. In order to prevent these indicators from being biased, they must be developed by a neutral institution, like the OHCHR. The duty bearers' efforts to reduce poverty should be measured against these indicators, at least annually, and the results made public. The indicators have to reflect the entire poverty reduction process, not just the outcome. Only when both process and outcome indicators are being applied, can we ensure that a HRBA is employed in its true form.

The process indicators should measure the extent to which the poor are actively taking part in policy formulation. Fulfillment of civil and political rights is crucial in order to ensure active participation. Thus, the process indicators must mirror the extent to which these rights are being redeemed. The outcome indicators, on the other, must reflect to what extent people's social and economical rights are being realized. Simply assessing whether poverty reduction strategies have lead to a decrease in the number of poor is not equivalent to an evaluation of if their rights are being fulfilled. At present, the MDG indicators only measure if people's needs are being met at a certain point in time. Having a right, however, implies that a person is entitled to something not only today, but throughout his/her entire life. Thus the outcome indicators in a HRBA have to measure if people's social and economical rights are being secured for the future. The best way to do this is by looking at whether or not these entitlements are included in a country's legal framework. This, however, is not sufficient. Indicators which assess if the laws are being implemented in practice also need to be developed. In order for a HRBA to represent something more than mere rhetoric, the theoretical framework has to include both process and outcome indicators.

If a HRBA is to revolutionize poverty reduction it is necessary that the duties which it prescribes is perceived as legal obligations, based on international HR treaties. However, the duties should apply to all actors involved in poverty reduction, not only the state. This is particularly important in developing countries, where

external actors have such an enormous influence on domestic policy. The latter also creates a dilemma which is currently ignored by the conceptual framework. How should the international community deal with external actors which refuse to comply with a HRBA? The case of Cambodia has shown how the reluctance of two countries, Japan and China, inhibits the implementation of a HRBA. The theoretical contributions presuppose that the international community is unified in its effort to employ a HRBA. This, however, is clearly not the case. The worldview which the proponents of a HRBA operate with is oversimplified, and fails to capture the complexity of poverty reduction in developing countries. There are countless actors which affect the poverty reduction efforts of national governments, and not all of them are donors. Some, as in the case of Cambodia, are foreign investors. Their interest is to create profit, not promote HR. These actors affect national governments' desire and ability to employ a HRBA. In some instances they might even be more powerful than the state, and pressure it into accepting deals which may lead to a violation of its citizens' socio-economic rights.

In order for a HRBA to be feasible, the theoretical contributions also need to take these actors into consideration. It is crucial that binding ethical guidelines, concerning trade and investment, are drawn up at the international level. The HR obligations of national governments need to be expanded. This is necessary in order ensure that they, and the companies registered within their jurisdiction, also respect socio-economic rights when operating in foreign countries.

The proponents of a HRBA put forward decentralization as a vehicle to promote participation by all stakeholders. Decentralization, however, can also be valuable in other ways. The case of Cambodia has shown that decentralization of power can facilitate the establishment of accountability. Instead of creating additional institutions, as suggested by the theoretical contributions, decentralized structures should be utilized for this purpose. Decentralized institutions provide an easy way to bring information and complaints from the grassroots to the highest levels of government. The theoretical contributions ought to focus on the possibilities which are inherent in decentralization, not only with regards to promoting participation, but

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also concerning the establishment of accountability. However, decentralization in Cambodia has shown us that there is one important prerequisite which must exist in order to make the implementation of a HRBA, through decentralized structures, feasible. Electoral control over local government is essential. If village chiefs and commune leaders are appointed by the central government, it is impossible for people to hold them accountable through electoral processes. This, unfortunately, is the case in Cambodia today. Currently the positions of commune leaders and village chiefs function more as puppets for the central government, than as independent representatives of people in rural areas. The international community must pressure the RCG to abandon the practice of appointing local government. The RCG ought to allow people to elect their representatives. Only then can the full potential of the decentralized structures be realized.

### ***3.5 Participation***

A majority of the informants believed the levels of participation have not gone up since the UN adopted a HRBA in Cambodia. Even the UNDP representatives themselves said they do not see much difference. What the different actors considered as the reasons for this lack of change varied. UNDP officials claimed that in the initial phases of the MDG campaign their agency had tried to employ a participatory approach. They said that at the beginning the UNDP had carried out heaps of campaigns across Cambodia. At each event the agency had tried to ensure that the poor, or at least their representatives, would attend the meetings. However, they had quickly seen that it was impossible to carry out a participatory approach in that manner. Accordingly, the UNDP officials understood they had to do it at the household level. Despite this realization early on, they admitted that no efforts have been made to include rural households in UNDP's projects.

An official at the residence coordinator's office said that, at least on paper, the UNDP has always favored a participatory approach. However, she stressed that the challenge is to make this commitment a reality, and empower the people in order to facilitate their active participation. Furthermore, she claimed that participatory projects ending up only as consultative processes constitute a recurrent problem in the

UNDP's work. She believed the low levels of participation are either due to "flaws in the design of program, or poor people lacking the capacity to take part in the projects". She elaborated the latter by asserting that: "In some ways the people here are also victims of development, and the UN has to learn how to involve them in the different approaches".

Officials of the WB agreed with the UNDP representatives in that they have not witnessed a rise in participation levels after the UN adopted a HRBA. However, unlike the UNDP representatives and the official at the residence coordinator's office, the WB representatives did not claim that this is due to poor people lacking the capacity to participate. On the contrary, they thought it is because the UN's work is usually driven by practicalities. They maintained that this is also the case in the WB's projects. One WB official defended it by asserting that: "Participation is a tricky thing, we all like to talk about it, but it is quite complicated and the value added is a lot less clear than we would like to think it is". The WB officials also asserted that the degree of participation in the UNDP's work is dependent on the nature of the programs. One WB representative said: "The shapes of the programs tend to be driven by the individuals advising and their personal work style". All in all, the WB officials believed the UN includes the poor in their work, but not as systematically as the organization could or should. They stressed that the intention to have a participatory approach exists within the UN, but said it is going to be a slow process because the UN cannot transform itself from a bureaucracy into an open organization over night.

Officials at UNICEF claimed their agency is employing a participatory approach in its program making. The UNICEF representatives said the agency includes the poor through a variety of mechanisms. They maintained that usually UNICEF incorporates the concerns of the poor by talking to the commune councils. However, they also said that in addition the agency has village/commune focal points for women and children, and is therefore not only dependent on the commune councils in order to promote women and children's issues in rural areas.

Officials at FAO were among the minority of UN representatives who believed participation levels have gone up since the organization adopted a HRBA. However,

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they did not think it has been caused by any measurements taken by the UN itself. On the contrary, they said the increase in participation is due to the RCG's mine clearing efforts. The FAO officials asserted that they have always wanted to work with the farmers, but due to huge numbers of landmines their access to farmers in rural regions has been very limited. They claimed that in recent years large areas have been demined, and as a result their working relationship with the poor has improved. However, when asked if FAO has taken any concrete measures to include the poor in their program making, a senior official said: "We have to be realistic, the farmers are mostly illiterate, and they do not know what policy is. Therefore we do not involve the farmers in policy formulation".

Officials at the OHCHR emphasized that a commitment to participation exists only on paper, and not in the practice of UN agencies. As opposed to the FAO officials, the OHCHR representatives believed the levels of participation have not increased since the UN adopted a HRBA. A senior official even compared the UN's participatory approach to applying make-up by saying: "You can do a lot of make up that is my experience with UN for a couple of years now. You can do a lot of make-up, it is very easy. The UN is good at applying make-up, because it has a long experience of doing that. On paper the HRBA can be nice, but at the end of the day there will be nothing. This is the case in Cambodia too". He substantiated the claims by giving an example; the UNDAF (hereafter United Nations Development Assistance Framework) for 2006-2010. According to him, the participatory process which led to the creation of the UNDAF was completely flawed. Apparently the UN agencies consulted the civil society and NGOs only after they already had signed the document with the RCG. Since the process of participation took place after the UNDAF had been finalized, the opinions of actors other than the UN and the RCG were not taken into consideration.

The views of the OHCHR officials were shared by a majority of informants working in civil society and academia. They claimed the UN agencies have not taken any concrete measures to ensure active participation, by all stakeholders, in their program making. Many of them also said that when the UN agencies actually do

include the poor, it is usually in the shape of a last minute process, where they already have a draft strategy, it is in English, and people are supposed to give inputs two weeks before it is finalized. Accordingly, they asserted that it is impossible for local NGOs to take part in this kind of participatory processes. Due to the short time frames and their limited knowledge of English, the rural poor and their interest organizations are excluded from the policy making procedures. In order to facilitate active participation, by all stakeholders, the UN should extend the deadlines, provide translators or produce the documents in Khmer. In accordance with the views expressed by the WB officials, the informants in civil society and academia also believed that since the UN is such a heavy institution, and already entrenched with certain values, it will take a lot of time and effort to change the established practices. However, their critique was not directed against all UN agencies. They usually put forward the OHCHR as an exception, and claimed this agency always tries to work with all stakeholders. Many of them especially expressed frustration with the practices of the UNDP. They said the agency only cooperates with the RCG, and ignores NGOs most of the time. The head of one NGO claimed it is particularly bad that the UNDP does not take a participatory approach, because the agency has a lot of influence over the RCG and could act as a bridge between the government and civil society.

As opposed to the views held by informants in civil society and academia, some UN officials said the organization lacks a participatory approach because there is no will amongst RCG representatives to actually take part in the program making. In fact, they even asserted that UN agencies are paying members of the RCG unnecessarily high per diems in order to tempt them into participating. They claimed that various UN agencies are paying RCG officials anywhere between 5 to 40 dollars per meeting. When confronted with this information a senior official at one of the accused agencies said she had heard of it, but claimed: "It is only like 3 dollars per meeting, in order to cover their transportation costs, I have never paid as much as 40 dollars." However, she admitted that there has been a long culture of providing the RCG with these kinds of incentives. She blamed it on the donors and claimed it was entirely their fault, since they have created the arrangement. Furthermore, she



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emphasized that it is difficult for the UN to do things differently, because the RCG representatives are “not driven by the mission of their work, their incentive is always money”. She believed the UN agencies keep the system in order to “get the job done”. However, she also stressed that she is very much against these kinds of per diems. She felt the UN is giving the RCG representatives a wrong incentive. She elaborated it by saying: “The RCG should be doing their work in order to satisfy the rights of the claimholders. That ought to be their motivation”.

Most farmers had heard of the UN. However, their knowledge of the organization was limited. They said they have received information about the UN from the media or village chief. None of the farmers had ever met a representative from the UN. Accordingly, they had never been invited to attend any meetings with the organization.

A majority of the UN officials thought the RCG has become more inclusive in its policy making during the last five years. A UNDP representative claimed there is a growing awareness amongst RCG officials that it is important to have participation from all levels of society, when formulating poverty reduction strategies. They felt the RCG is trying its best to include local and foreign NGOs, international organizations, donors, academic institutions and private actors. However, they also said the RCG’s efforts are mostly limited to the national level. The UNDP officials defended this by claiming it is more difficult for the RCG to ensure participation at the local level, since rural poor lack the capacity to participate. In spite of this, they maintained that the concerns of rural poor, to a larger extent than before, are being incorporated into the RCG’s policies. An UNDP official explained this stance by saying: “Once you start to include both local and foreign NGOs, I assume you do that because they have a better grounding on the local level. This might help the in including the local position as well”.

In accordance with the UNDP officials’ views, the OHCHR representatives believed the RCG has become more inclusive in their decision making during the last five years. As the UNDP officials, the OHCHR representatives also felt this newfound inclusiveness is confined to the national level. They believed that, with

regards to the donors and NGOs, the RCG has become more open and inclusive. Unlike the UNDP officials, the OHCHR representatives did not feel that a higher degree of participation at the national level has led to an incorporation of poor people's concerns into the RCG's policies. However, they did emphasize that the RCG's decentralization process is a step in the right direction, but claimed it has not yet resulted in increased participation levels. My informants believed that because everything is extremely politicized in Cambodia, it is currently impossible for rural poor to use the decentralization process as a vehicle to express themselves.

The FAO officials also believed the RCG has become more inclusive in the last five years. In fact, the FAO representatives said they feel the RCG is doing too much in order to ensure active participation by all stakeholders. They elaborated it by saying they think there are so many mechanisms of dialogue between the government and civil society that they fear the quality might be at risk. Unlike the UNDP and OHCHR, the FAO officials believed changes are not only taking place at the national level. They claimed participation by poor stakeholders at the local level is also increasing.

In accordance with the other UN agencies, the UNICEF also believed the RCG has become more inclusive in their policy making in recent years. Like the OHCHR representatives, UNICEF officials put forward the decentralization process as an example of a measure taken by the RCG in order to facilitate participation by all levels. They claimed that, despite the dubious selection processes, the decentralization is a positive step on the road towards democracy. They said that even though it needs to be improved and refined, the important thing is that the system is there. Accordingly, the decentralization presents an opportunity for rural poor to bring their opinions to the higher levels of government, and as a senior official said: "That is better than nothing. It is better than before".

The WB officials did not believe the RCG has become more inclusive in their policy making during the last five years. They claimed that if the RCG has taken any measures, in order to facilitate participation by all stakeholders, it is only because the donors have been pressuring them. A senior official elaborated this by saying: "I do

not think the spirit of participation really exist here”. They were quite skeptical of the government’s commitment to become more inclusive, and said that if donors propose a participatory approach the RCG usually responds with: “It takes too long. It is too expensive. Forget it, let’s just finish the plans and get it over with!” However, in accordance with the views of officials at OHCHR and UNICEF, the WB representatives put forward the decentralization process as a promising initiative. They felt the decentralized structure provides a way to get resources more efficiently from the top to the bottom, but did not believe it is currently being used to transfer information from the grassroots to the higher levels of government.

A majority of informants in civil society and academia felt the RCG has not become more inclusive during the last five years. The head of one NGO said: “At present poor Cambodians do not possess the right to participate”. She elaborated it by claiming the pluralistic democracy is only a façade which the RCG has put on in order to please donors. The other informants endorsed her statement. They said the RCG has not taken any concrete measures to include rural poor in the formulation of its poverty reduction strategies. On the contrary, they maintained that if the poor in fact are participating more, it is either because it has been facilitated by the larger NGOs or it is a result of pressure from the donors. However, they believed some minor changes have taken place. They said their local partners are more frequently being invited to take part in, for instance, the drafting of new laws.

Like the UN officials, representatives of the RCG thought the government has become more inclusive in its policy making during the last five years. As opposed to the other informants, the RCG officials claimed the government has taken concrete measures to increase the level of participation in policy formulation. They put forward the SELIA program as an example of a government initiative aimed at facilitating participation by all stakeholders. The RCG officials said the decentralization of power has rendered it possible for rural poor to play a more active role in the development of their communities. Accordingly, they felt the SEILA program has been a great success. However, they emphasized that a lack of funding is hampering the implementation and expansion of the program. The RCG officials maintained that

since big donors, like the USA and Japan, are redirecting their aid to the Middle East, the government is receiving less money. They claimed the latter obstructs the government's possibilities to increase participation levels by developing infrastructure and human capacity in rural areas.

Most farmers felt their contact with the local government has become more frequent during the last five years. However, they emphasized that it is limited to the village chief; none of them had been in touch with the commune council or its leader. A majority of them claimed the village chief regularly organizes meetings where he/she talks to the farmers about development issues. However, many said that at these meetings the village chief only provides them with information, he/she is seldom interested in listening to their concerns. The farmers maintained that it is not possible for them to actively participate in the decision making. They claimed they have to go along with whatever the local leaders decide to do. One woman elaborated it by saying: "As it is now the commune leader and the village chief never ask the poor for any ideas on how to develop this village, never. They only do what they want to, or what the top structure tells them to." The farmers all felt the local government ought to be more inclusive in its decision making. When asked how the RCG better can ensure active participation by people in rural areas, a majority answered that if only the RCG could pressure the village chiefs into listening more to the farmer's ideas, the current system would be best solution.

The theoretical contributions to a HRBA emphasize that active and informed participation is crucial for its feasibility. Furthermore, the proponents claim participation by the poor is necessary in order to realize their concrete rights. A majority of UN agencies in Cambodia said they are employing a HRBA to poverty reduction. In spite of this, almost all the officials admitted that the levels of participation have not gone up since they began to employ the approach. UN representatives asserted that, in theory, the organization is committed to a participatory approach. In practice, however, they confessed there have not been taken any concrete measures to ensure active participation by the poor. It is surprising that the UN has not done more in order include the poor, particularly since the

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organization consider itself to be the driving force behind a HRBA.

The conceptual framework of a HRBA stress that participation not only contributes to the realization of socio-economic rights, it also has significant spill-over effects which can break the vicious chain of exclusion that poverty creates. Thus, it is alarming that senior officials of the UN claim it is not necessary include the poor in program making, because they are mostly illiterate. This is not only arrogant and ignorant, it also disregards the fact that participation can empower the poor. The latter is used as an argument for why so much importance is attached to participation in a HRBA. Unfortunately, the UN in Cambodia seems more interested in being perceived as an organization which applies a participatory approach, than actually doing it in practice.

The conceptual framework of HRBA only focuses on how the principal duty bearer, the state, can facilitate participation. Again, it completely disregards the fact that in developing countries external actors play a major role in poverty reduction. In order to ensure that active participation takes place not only in theory, but also in practice, the conceptual framework needs outline the duties which these agents ought to have. If external actors employ a participatory approach, they will not only make sure their strategies are aligned with people's needs, they will also empower the poor.

At present, the value of participation is clearly ignored by the UN and other external actors in Cambodia. This must be altered. They have to let a long term view guide their work, and make sure their programs are not only ruled by practicalities. The theoretical contributions to a HRBA state that functioning civil and political rights are important prerequisites for active and informed participation. This, however, does not allow for an autocratic system of government to become an excuse for development agencies to act non- democratic. It is particularly important that foreign agents take an inclusive approach in non-democracies, because these systems of government usually exclude the poor. This is something which the conceptual framework needs to address. The emphasis has to be, not only on how the state should act, but also on the responsibility of foreign actors to ensure that their practices comply with democratic principles. Moreover, it is also important to recognize that a

participatory approach has the potential to function as a catalyst for democracy.

It is a positive sign that the majority of the informants believed the RCG has become more open in its policy making. Even though most of them emphasized that the newfound inclusiveness is confined to the national level, the RCG ought to be praised for moving in the right direction. One step, which is particularly constructive, is the decentralization of power. Local government institutions have the potential to increase the levels of participation by function as vehicles to include the poor in decision making. The RCG should be commended for the initiating the decentralization process, and allowing commune council elections to take place in 2002. Nevertheless, it is important to emphasize that the decentralization would not have been accomplished without the pressure from external actors. This illustrates how they can use their influence, and aid, in a manner which benefits an entire society.

It is essential, however, to point out that creating local government institutions is not equivalent to ensuring active participation. Unfortunately, decentralization of power in Cambodia has not led to more inclusive decision-making procedures. Indeed, village chiefs do hold town meetings, but since the locals are either ignored or too afraid to speak up, it has no real gain. Again, the reasons for this can be found in how the decentralized structures have been designed. A lack of electoral control makes it possible for village chiefs and commune leaders to act as absolute monarchs, and completely disregard local opinion. If only people are allowed to elect their representatives this will change, and the local leaders will be forced to become more inclusive. This, however, requires the international community to put extra pressure on the national leaders, because their behavior is the root cause of this problem. The decentralized structures are currently being utilized as tools by which the RCG can maintain their patron-client relationships, and thus continue to have an iron grip on the population. The international community must attach more conditionality to its aid, in order to force the RCG into abandoning this undemocratic practice.

However, the current flaws in the decentralized structures should not prevent external actors from utilizing local government in their efforts to employ a

participatory approach. UNICEF has found a solution which exploits the positive features of decentralization, and takes the corrupt practices of local leaders into account. UNICEF operates with a double system, which includes advocacy towards local leaders and the use of additional village/commune focal points. Under the circumstances this is a good way to include the poor, and an example which other actors ought to follow.

### ***3.6 Empowerment***

Officials of the UNDP claimed the agency has carried out many information campaigns in order to educate the poor about the MDGs. The OHCHR representatives confirmed this, but stressed that the UNDP has not done anything in order to spread information about the HRBA. However, they still believed the poor possess a general knowledge of HR, and said the problem is not really about awareness in Cambodia. The OHCHR officials maintained that there is always someone in the village which is familiar with HR, and can teach the others about it. They felt the real challenge is to realize the rights. Officials at FAO claimed they have put a lot of effort into educating people in rural areas about their rights. However, they said FAO employees do not specifically mention HR when they work in rural areas, because HR is very complicated and people can misinterpret it.

Officials at the RCG asserted that the government has taken concrete steps in order to empower the poor in rural areas. They put forward the SEILA program as an example. The RCG officials claimed this program has facilitated the development of 'software' the countryside. They said the decentralization process has empowered the poor. Moreover, they asserted that the decentralization of power has given the poor a chance to govern themselves, and contributed to capacity building in rural areas.

Several informants in civil society and academia criticized the RCG's effort to empower the poor. They mainly objected to the lack of transparency in the government's work. These people claimed that in order to facilitate active participation by all stakeholders, the RCG needs to empower the poor by making information more easily available. A majority of them said that, at present, the RCG is not open about their poverty reduction and development projects. An official at the

WB elaborated it by saying: “The RCG does not give any information about really important things. The government will give information about insignificant rubbish, but when it comes to really important stuff, like the economic land concessions, there is no will to talk about it”. Other informants said the RCG has created institutions, which are supposed to provide the public with information, and emphasized that the framework exists. However, they stressed that since it is so hard to access these institutions, it is impossible to obtain information concerning the RCG’s work.

Most farmers said they had heard of the HR. They had either received information about this topic from the village chief, NGOs or the media. The village chief was most frequently put forward as a source of information. They claimed the village chiefs arrange meetings in order to educate them about HR. Some farmers said they had received information about HR from visiting NGOs. Only a few claimed they had heard about it from the media. However, a common trait in all the interviews was the fact that the farmers had only received information about HR concerning violence in the family. Most of them had never gotten any education on their social and economical rights. Furthermore, a majority expressed dissatisfaction with the RCG’s efforts to realize their rights. One farmer elaborated it by saying: “The village chief only informs us about the HR. We do not know how to protect our rights. Our rights never get fulfilled”.

A majority of the farmers said that if they want information about the RCG’s work, they will go to the village chief. Furthermore, they also claimed the village chief regularly holds meetings in order to inform them about the RCG’s projects in their community. The village chiefs that I talked to all said they participate at workshops arranged by commune leaders. There they receive information about the government’s work. None of the people in the case study areas had ever heard of the MDGs, nor did they know of any place they could go in order to get information about UN programs.

The theoretical contributions to a HRBA claim the state has a duty to inform its citizens about their rights, and encourage them to criticize its work and propose alternative solutions. Hence, the conceptual framework, once again, overlooks the fact



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that in developing countries external actors are often more involved in poverty reduction than the national leaders themselves. Thus, it is important that the theoretical contributions to a HRBA also deal with the behavior of these external actors. It is startling that the UN has done so little spread information about the MDGs and a HRBA in Cambodia. During my entire stay, I did not meet a single Cambodian who had heard of the goals or the approach. In fact, when I interviewed the public information officer at the UNDP it became apparent that not even he had received any training in a HRBA. Clearly, there is ground to question if the UN really takes the application of the approach seriously. Any agent who employs a HRBA ought to have the same duties as the state, and be instructed to inform the public about all aspects of their work.

Decentralization of power in Cambodia has created institutions which should be utilized as vehicles to spread information, and conduct much needed capacity building. Most farmers put forward the village chief as their main source of information, with regards to both the RCG's work and HR. The UN and other external actors ought to take advantage of this, and use the decentralize structures to spread information about their programs.

The conceptual framework of a HRBA states that simply by employing the approach duty bearers will empower the poor through acknowledging their rights. This needs to be revised. The case of Cambodia has shown that employing a HRBA might have the opposite effect. The RCG has publicly recognized that its citizens possess HR, and signed the six main international HR instruments. This, however, does not seem to have empowered the poor notably. In fact, most farmers expressed a frustration over what they considered to be all talk and no action. Of course HR is a good thing, but if they are continuously violated by the same people who proclaim them, they become hollow. This is the case in Cambodia today. HR and a HRBA are exploited by the RCG in order to attain goodwill from the donors, and of course more funding. A HRBA is also being used by UN agencies, and several donors, in order to pretend they are at the forefront of development theory. They only employ a HRBA in theory, and do it in a manner which expose a blatant disregard for the HR concept.

If a HRBA is to empower the poor, it needs to be backed up by action. If not, it might cause the poor further distress. The UN headquarters have to keep a tighter leash on the country team in order to prevent a HRBA from turning out to be a simple catch phrase that will undermine entire HR concept.

### ***3.7 Non- discrimination and equality***

Some UN officials were quite skeptical of the organizations efforts to reduce poverty in an equal and non-discriminatory way. They emphasized that it is fully possible to reduce poverty and target specific groups, but still neglect indigenous people, minorities and the disabled. They claimed that, at present, this is the case in Cambodia. The UN officials admitted that the organization is targeting people while implementing the MDGs, but claimed the UN agencies are doing it without looking at what negative impacts it may have on other groups.

These officials were also critical of the decentralization process. They said it is seen as a positive sign within the UN, and stressed that they also feel decentralization, in theory, is a good thing. However, they claimed that in practice it is not really functioning in Cambodia. The UN officials asserted that since the Cambodian society is highly politicized, people are being discriminated against at the local level. The UN representatives said most communes and provinces are controlled by the CPP. They claimed this makes it almost impossible for people, who are not members of the party, to complain if the government is violating their rights.

This assessment was supported by the majority of informants in civil society and academia. They said that people who are not affiliated with the ruling party usually gets discriminated against at the local level. Some even said that the Cambodian society is made up of patron- client relationships, which goes all the way down to the village level. Accordingly, they claimed it will be almost impossible to implement a HRBA through the decentralized system.

These opinions were shared by most farmers in the case study areas. They claimed people are frequently being discriminated against in their communities. Moreover, they said it is true that local leaders have become more open since the decentralization, but claimed they are only including members of the CPP and their

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own relatives. They maintained that ordinary people are either not invited to meetings, or denied the right to speak if they actually are allowed to participate. Furthermore, they said discrimination is not only restricted to participation. They claimed people who do not have a 'special' relationship with the local leaders fail to benefit from aid which the community receives. One farmer elaborated it by saying: "When visiting NGOs give some cows or pigs to help the poorest families in our community, they never get it because it is always taken by the chief of village or commune leader."

The theoretical contributions to a HRBA state that the approach provides extra protection against inequity, since it brings the principles of non-discrimination and equality to the forefront. The conceptual framework claims these principles ensure that vulnerable groups are not discriminated against. However, the theoretical contributions fail to explain how these principles should be implemented in practice. This must be revised. Most UN officials viewed the decentralization process as an important step towards realizing a HRBA in Cambodia. In theory, decentralization of power has the potential to empower the poor and prevent discrimination. This, on the other hand, requires that mechanisms have been established in order to protect the poor. If not, decentralization might have the opposite effect. Since no such measures have been taken in Cambodia, the decentralized structures have in fact become a vehicle for local elites to increase their power and wealth. Once again, this results from a lack of electoral control over village chiefs and commune leaders. At present, aid which is distributed through local officials ought to be closely supervised. Village chiefs and commune leaders should be instructed to give reports on how the money/material has been utilized. Only through extensive monitoring can external actors make sure their aid really is benefiting the most vulnerable groups, and prevent it from being used as a tool to discriminate.

The theoretical contributions to a HRBA also claim the principles of non-discrimination and equality prevent vulnerable groups from being neglected in poverty reduction processes. However, the case of Cambodia has shown that it is not sufficient for actors to simply claim they are employing a HRBA. They also have to take concrete measures in order to assure that minority groups are not being

overlooked. The UN claims to be employing a HRBA in its efforts to reach the MDGs in Cambodia. In spite of this, the organization has not taken any concrete measures to ensure that minority groups are benefiting from their programs. The MDGs do not contain any indicators that measure the extent to which minorities are targeted by the UN's work. This can create a situation where overall poverty is reduced, while the most vulnerable groups continue to suffer. It is crucial that the theoretical contributions to a HRBA stipulate indicators that can measure the extent to which poverty reduction is achieved in an equal manner. By employing such indicators in their work, the Cambodian country team can ensure that minority groups are not being left behind.

### ***3.8 Democracy***

Most UN officials believed it is possible to employ a HRBA in countries with low democratic performance. Officials of the UNDP did not feel a HRBA is dependent on a democratic system of government. They said the approach is about recognizing certain needs as rights, and claimed it is feasible to get this kind of acknowledgement in non-democracies too. Moreover, they stressed that a fully functioning democracy is no guarantee for the successful implementation of a HRBA. When asked if they feel the RCG promotes civil and political rights in a manner which is congruent with a HRBA, the officials were very reluctant to answer. The UNDP representatives claimed they were unable to respond to this type of question, since agency has not done any studies on the matter. However, they did say the civil and political rights are protected by the Cambodian constitution, and thus a proper legal framework already exists. Accordingly, the UNDP officials claimed it is the lack of implementation which constitutes a problem.

In accordance with the views expressed by officials of the UNDP, the OHCHR representatives claimed it is possible to employ a HRBA in countries with low democratic performance. However, they did not believe that it is a positive feature, in fact, they said it constitutes a conceptual problem. They maintained that something is fundamentally wrong when you cannot promote democratic principles or develop genuinely democratic institutions, but at the same time, in the same country, you are

able to employ a HRBA. The OHCHR officials felt the two concepts ought to go together. Furthermore, they said the conceptual framework of a HRBA is too soft. They claimed the approach has been developed in a way which makes it easy for national governments, and even the UN, to escape their HR obligations. The OHCHR representatives said that due to these apparent weaknesses in the conceptual framework, they are very critical of the way a HRBA is currently being employed by the UN.

Like the UNDP and OHCHR representatives, officials at UNICEF believed the implementation of a HRBA is not dependent on a democratic system of government. One official stated that: “Democracy is not a prerequisite for the fulfillment of HR. There are many examples of non- democratic countries which respect the HR to a certain extent, and where the governments are employing a HRBA.” However, the UNICEF representatives admitted that in some countries it is difficult for the UN to employ a HR discourse. In situations where it is not possible for UN agencies use the word HR, they claimed the UN is forced to apply a different approach. They said that in those instances UN agencies will try to use a different wording, for instance, they will say it is need-based. The UNICEF officials justified this by asserting that if the UN uses a HRBA in a very forceful way, the national leaders will become uptight and defensive.

Regarding the Cambodian context, they said it is very difficult to employ a HRBA, because the RCG is not really supportive of HR. One official stated that: “Sometimes it seems like the RCG has an allergic reaction to the word HR”. Accordingly, they claimed the RCG’s attitude makes it very hard for the UN country team to discuss a HRBA with the government. The UNICEF officials elaborated it by saying the problem originates from a discrepancy in how the different actors perceive a HRBA. One representative described the RCG as being very paranoid: “They always link the word HR to corruption and mob killings, even when the UN only wants to talk about basic socio-economic rights”.

Officials at UNICEF stressed that it is not only the country’s poor democratic performance which is a challenge. It is also the leaders’ attitudes towards HR in

general. “It is not a very conducive environment for a HRBA in Cambodia right now” one official said. The UNICEF representatives gave an example in order to illustrate how the RCG’s negative attitude towards HR obstructs the implementation of a HRBA. They said UNICEF regularly invites members of the RCG to participate in HRBA-training, but few show up. Furthermore, the RCG officials that actually do come are very afraid, and feel they are putting themselves in danger by taking part in the exercises. The UNICEF officials claimed that, at present, a HRBA has to be implemented through an indirect approach in order for the RCG to accept it. They believed a HRBA can only be employed if UN agencies use a different wording, and simultaneously work at the grassroots and on the top level. They emphasized that it has to be both a bottom-up and a top-down approach, because the claimholders need to know what their basic rights are, and the people on the top level have to understand their duties.

Officials of the WB said that even though they personally agree with the idea of a HRBA, it is not a suitable approach for a country like Cambodia. One official asserted that: “If you talk to the RCG about human rights it will fall on deaf ears”. Like the UNICEF representatives, the WB officials emphasized that if UN agencies use a HR vocabulary, in non- democratic countries, it might backfire. They said the RCG is not fond of the HR language, because it turns poverty reduction into a legal issue. One WB official stated that: “I don’t think the HR language will resonate with the RCG, they just don’t care. The RCG does not worry about the international opinion, because they can get all the money they want from the Chinese.” Officials of the WB maintained that since the bank knows how the government responds, the institution has chosen not to use this kind of vocabulary. Accordingly, they claimed it is all a question of what arguments the RCG will listen to. They believed the UN can still try to achieve its HRBA-objective, which is to reduce poverty in an equal and non-discriminatory way, without using a HR vocabulary. The WB representatives said it is all a matter of psychology. How enthusiastic and involved the RCG will be depends on which arguments the UN employs. One official elaborated it by saying: “If we tell the RCG: ‘we are going to promote growth to reduce poverty’, they will be

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very happy because all they hear is the first part of that sentence.”

In accordance with the views expressed by officials at UNICEF, the WB representatives stressed that whether or not the UN can employ a HRBA depends more on the attitudes of national leaders than the system of government. They said political labels are very misleading, and should not be used in order to assess how open and responsive a government is. The WB officials illustrated this by comparing Cambodia and Vietnam. They claimed that even though Cambodia is labeled as a pluralistic democracy and Vietnam called an authoritarian state, the Vietnamese government is much more democratic and HR oriented than their Cambodian counterpart. One WB official elaborated it by saying: “Although you cannot talk about HR in Vietnam, the Vietnamese government cares more about the individual socio-economic rights of their citizens than the RCG. The Vietnamese leaders just use a different wording, like ‘it is the party’s commitment to the people’”.

There is no conformity in how informants in civil society and academia assessed the possibilities of employing a HRBA in non-democracies. Many thought it is quite possible, some even said it would be foolish not to. The supporters of the latter view claimed it is even more important to employ a HRBA in a non-democratic context, because it will contribute to the development of democratic and rights-based values. They admitted that it will be challenging, but said it is worth the struggle because a HRBA can facilitate democratization. Other informants held a more nuanced view, and said as long as the citizens themselves are not rejecting civil and political rights it is possible to employ a HRBA. However, they emphasized that it has to be done in a slow pace.

Some informants, on the other hand, thought it is impossible to make use of a HRBA in non-democracies. They questioned how the UN can apply this approach in countries where the governments continuously violate civil and political rights. Many also wondered how the UN can employ a HRBA in Cambodia, when the poor risk their lives if they demonstrate. Accordingly, some felt it might be dangerous to employ a HRBA in non-democracies. They were concerned for the safety of the poor. They claimed it would be unethical to encourage the poor to publicly advocate their

rights in authoritarian societies. An employee at one NGO elaborated it by telling a story of how foreign NGOs, in one case, had called on the poor to demonstrate against land grabbing in Cambodia. The RCG had responded by ordering the military to stop the peaceful protest. The armed forces had proceeded by opening fire and killing several people. The employee raised the question of where accountability should be ascribed in such instances. Accordingly, some accused the UN of disclaiming responsibility for the consequences of employing a HRBA in countries like Cambodia. They claimed UN officials will never be at the front line, and said this is a burden the poor will be forced to bear. When confronted with these accusations UN officials admitted that the NGOs have some good points. They said the employment of a HRBA in non-democracies poses some very difficult questions. Furthermore, they emphasized that the UN has to make sure that any demonstration is conducted in a very controlled, organized and peaceful manner. They stressed that all protests should be closely monitored by the UN. They thought the latter ought to be the UN's role when employing a HRBA.

Officials of the RCG thought the government respects the civil and political rights in a manner which makes it possible to employ a HRBA. In fact, they asserted that the RCG does enough to protect HR, and maintained that at present the HR level is appropriate for a country like Cambodia. They felt puzzled by the critique the RCG is receiving, and said they do not understand why some people say the government does not respect human rights. The RCG officials claimed that since Cambodia is a developing country, the government has to balance between the economy and human rights. One official elaborated it by saying: "You cannot let people run free in poor countries. It will become anarchic... like in the jungle". They maintained that if the RCG increases the extent of civil and political freedoms, it is likely that the poor will take advantage of it. The RCG officials said they fear the poor will abuse the rights by using them to promote personal interests. A senior official justified the current restrictions by comparing the Cambodian situation to the economy. He said: "Businessmen only want profit. If you do not have strict rules to control them they can cheat you and steal your assets". Accordingly, he felt "the RCG's role in its rule"



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is to create and enforce such regulation. The RCG officials believed that until Cambodia gets a higher standard of living, it is not possible to expand the civil and political rights. One official explained this stance by saying: “When the living standards rise the knowledge of your people increases, and thus it becomes possible for the government to upgrade the HR.”

The UNDP officials’ misinterpretation of a HRBA became particularly evident in their answers concerning whether or not it is possible to employ the approach in non-democracies. They said it is feasible since a HRBA is about recognizing certain needs as rights, an acknowledgement which also can be attained in non-democracies. A HRBA, however, implies a lot more than simply recognizing people’s socio-economic rights. A HRBA is about altering the status of the poor. Active and informed participation is a key element in a HRBA, and necessary in order to transform the poor from passive recipients to strategic partners. This is an element which is completely absent in the UNDP’s interpretation of the approach, and exposes exactly how limited the agency’s knowledge of the defining features is.

Once again, the UNDP also displayed its unwillingness to criticize the RCG. The UNDP officials claimed they are unable to answer any questions regarding the RCG’s respect for civil and political rights. One official elaborated it by saying they are not capable to respond, because the agency has not done any studies on the matter. However, the Special Representative of the Secretary-General for HR in Cambodia has made countless reports on the HR situation. In fact, his latest report expressed concern over what he characterized as an increasingly autocratic form of government (Leuprecht 2005a: 6). Of course the UNDP officials know the RCG continuously violates the civil and political rights of its citizens. They are just unwilling to jeopardize the agency’s good relations with the government by openly criticizing it. In order for a HRBA to be employed in Cambodia the UNDP needs to enlarge its understanding of the approach, and put more pressure on the RCG.

Surprisingly, most UN officials claimed a democratic system of government is not a prerequisite for the implementation of a HRBA. This is true, but only to a certain extent. In order for a government to employ a HRBA it is necessary that a

basic level of respect for civil and political rights exist. The conceptual framework of a HRBA states that participation by the poor is needed in order to employ the approach. Furthermore, it claims that active and informed participation is inextricably linked to fundamental democratic principles. This is correct, in order for the poor to actively take part in decision-making they must be able to speak freely and have equal access to information. Nevertheless, a HRBA does not require a fully functioning democracy. A HRBA can very well be employed in countries without free and fair elections. What is crucial for the feasibility of this approach is that the government allows for the poor to actively participate. This requires the government to respect certain civil and political rights. If national leaders do not honor these duties it will be impossible for governments to apply the approach. Unfortunately, the latter is the case in Cambodia today. The RCG officials claimed they are employing the approach. However, their blatant disregard for civil and political rights show their statements are nothing more than hollow rhetoric.

As opposed to what the theoretical contributions state, it is possible to employ a HRBA in non-democracies. External actors can make use of this approach, even in countries where governments openly violate their citizens' civil and political rights. Nothing prevents these actors from applying a HRBA to their own work. They are not dependent on national leaders in order to be inclusive and accept accountability for their actions. This, however, is something which most aid agencies are reluctant to do. If a HRBA is to be employed in countries where civil and political rights are violated, it has to be initiated by aid agencies themselves. They ought to be the leading force, and have to acknowledge their role as duty bearers. In order to make this happen, the conceptual framework of a HRBA must be revised. It has to stipulate precisely what the role and duties of external actors should be.

One aspect that needs to be addressed by the theoretical contributions is the ethical dilemmas which arise when a HRBA is employed in non-democracies. Foreign actors will endanger the poor if they use them as tools in their efforts to pressure national governments into complying with a HRBA. It will be unethical of them to encourage the poor to publicly advocate their rights in countries where they know the

state might respond with violence. Any foreign actor which persuades the poor to demonstrate under these conditions should be held accountable if violence occurs. Aid agencies ought to be the ones at the front line if they wish to protest against autocratic regimes. It will be much more difficult for a government to attack international aid workers than the poor. Thus, demonstrations will be safer and more effective if they are conducted by the external actors themselves.

It is also crucial that the theoretical contributions reflect on whether or not a HRBA really is a suitable strategy for non-democracies. The case of Cambodia has shown that a HR language does not resonate with an autocratic government. A non-democratic regime will most likely perceive any talk of a HRBA as a threat. In Cambodia, the UN solves this problem by employing an indirect approach. However, it is extremely difficult to distinguish it from a needs-based approach. Clearly, it is ground to question if there really is any added value in an indirect approach. If it only implies a change of wording within UN agencies, and does not mean any extra pressure on the RCG, this approach will only undermine the HR concept. Unfortunately, the latter is clearly the case in Cambodia today. Thus, it is important that the UN relinquishes this indirect approach. The organization can still work towards its HRBA-objectives, but currently the approach will be most effective if the UN confines it to its own work.

### ***3.9 Summary***

A majority of officials at the UN agencies, and in the RCG, claimed they are employing a HRBA in their efforts to achieve MDG1. However, their interpretation of what this approach really implies varies greatly. There does not exist a common understanding of what a HRBA is in Cambodia. Even the RCG, which openly violates civil and political rights, maintained it is employing the approach. The general trend is that as long as their organization acknowledges that the poor possess a HR to be free from poverty, the officials believe they are using a HRBA.

There is a huge gap between the official policies of these actors, and the work they are doing in practice. The attempts at implementing the defining features of a HRBA have been few, and the results discouraging. There seems to be a lack of will

within the RCG, and the UN agencies, to take the steps which are needed in order to ensure accountability, participation and non-discrimination in their poverty reduction strategies. In spite of this, most officials emphasized that one promising initiative has been made, the decentralization of power. The decentralized structures can function as a tool by which the UN, and the RCG, can implement a HRBA. However, in order to realize the full potential of these new structures, the manner in which local officials are selected has to change. Electoral control over village chiefs must be established.

The informants claimed there are several obstacles to the implementation of a HRBA. Many said the UN is not applying the amount of pressure which is necessary in order to get the RCG comply with a HRBA. Some claimed the UN is reluctant to push the RCG, because the organization fears it could obstruct its own work by doing so. Big donors like Japan and China were also blamed. They claimed that as long as these actors continue to provide the RCG with aid which is free of conditionality, other donors will not have any leverage over the government's behaviour.

Surprisingly, most informants claimed the implementation of a HRBA is not dependent on a democratic system of government. They said the national government's attitude towards HR is the determinant factor in whether or not a HRBA can be applied. However, some stressed that there are ethical issues which needs to be taken into consideration before a HRBA can be employed in non-democracies.

In order for the implementation of a HRBA to be successful, the performance of the RCG and local governments needs to be more closely monitored by donors. The latter have to apply more conditionality to their aid, and make sure the RCG understands that non-compliance will lead to serious consequences. Furthermore, in order for pressure to be effective donors must form a united front against the RCG's corrupt practices. It is also essential that the UN headquarters develop indicators which can measure the efforts of the organization's country team. Currently, the lack of control makes it easy for the UN agencies to implement a HRBA only in theory, and escape their commitments in practice.

## **4. Conclusion**

### ***4.1 Introduction***

In this study I have examined what the defining features of a HRBA are, and to what extent the approach is dependent on democracy for successful implementation. I have not only looked at the innovative elements which a HRBA brings to poverty reduction, but also accounted for obstacles which actors will face if they employ the approach. I have particularly focused on whether the positive effects, promised by the theoretical contributions, have been realized in practice. Moreover, I have suggested which parts of the HRBA that should be revised and proposed alternative solutions.

### ***4.2 The characteristic features of a HRBA to poverty reduction***

A HRBA has the potential to revolutionize poverty reduction. For the first time, there exists an approach which focuses on poverty reduction as a socio-economic right. According to a HRBA, it is no longer possible to perceive the provision of aid as an act of charity, it should be regarded as a legal duty. By attaching importance to the entire poverty reduction process, a HRBA promises to change not only ‘why’ but also ‘how’ it takes place. A HRBA has four characteristic features: Accountability, participation, empowerment and non-discrimination and equality.

Since poverty reduction is seen as a socio-economic right, a HRBA claims the poor can hold the state accountable if it does not perform its duties. This notion has the potential to increase the sense of urgency in poverty reduction efforts. It can also alter the status of the poor, by empowering them and strengthening their demands. The focus on participation has the possibility to make the poor more visible, and ensure that their opinions are also heard. The principles of non-discrimination and equality can prevent the state from neglecting minority groups and using the greater social good as an excuse to violate their rights. Together, these key features represent something novel in poverty reduction and development theory.

However, at present, several flaws in the conceptual framework prevent a HRBA from realizing its full potential. According to a HRBA, the poor have a right

to poverty reduction, but the approach does not specify exactly what the content of this right is. Thus, it is impossible to monitor the efforts of national governments, and as a result the poor are unable to claim their rights. Furthermore, the theoretical contributions to HRBA operate with an oversimplified worldview. The approach does not take into consideration the enormous influence foreign actors have on domestic policy in developing countries. Indeed, a HRBA opens up for multiple duty bearers, but it does not identified the obligations of external actors. Moreover, the approach does not specify if or how they should be held accountable.

In its current shape, the approach offers a promising starting point. However, in order for a HRBA to alter the face of poverty reduction, the rights have to be made *claimable*. This can be done by specifying the contents of the rights more clearly, identifying all duty bearers, describing the exact nature of the obligations and developing outcome and process indicators which can measure the performance of duty bearers.

The outcome indicators have to measure the output from a HR perspective. This implies that the indicators cannot only account for the extent to which a need is being met at a given point in time, they also have to consider to what degree peoples socio-economic rights are secured for the future. The process indicators should measure if the defining features of a HRBA are realized in the formulation, implementation and monitoring of poverty reduction strategies. The indicators ought to be applicable in all countries, and should be developed by a neutral institution, like the OHCHR.

I found the operationalization of my research questions to be adequate. The questions which I came up with functioned well as analytical tools, and helped me gain the information needed in order to answer my research questions.

#### ***4.3 The characteristic features of the implementation of a HRBA to poverty reduction in Cambodia***

The implementation of a HRBA in Cambodia is characterized by confusion. Officials of both the UN and the RCG believe that acknowledging people's socio-economic rights is equivalent to employing the approach. Clearly, there is a lack of knowledge

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concerning the specific content of a HRBA. However, at present, the UN and the RCG are more occupied with being perceived as institutions which employ the approach, than actually doing it in practice. Unfortunately, the impact of a HRBA in the country has been confined to a change of wording. Officials of the UN, and the RCG, have begun to apply a HR terminology to their work. The contents of their strategies, however, have not changed. The UN still employs a needs-based approach, while the RCG largely continues to emphasise a focus on macroeconomic growth. The UN has been reluctant to use a HRBA, because the organization's work is mainly guided by practicalities. The approach, on the other hand, entails time-consuming and expensive alterations. The RCG has not applied the approach, since the government fears accountability. Cambodian leaders do not have any real interest in reducing poverty. The government is permeated by corruption, and the leaderships' main goal is to generate enough funds to maintain their lavish lifestyles.

Nevertheless, some positive steps have been made towards implementing a HRBA in Cambodia. The decentralization process is a major one. Local government has the possibility to function as a vehicle that can ensure active participation and facilitate establishment of accountability. However, a lack of electoral control over local leaders prevents the decentralized structures from realizing its full potential.

The only way a HRBA can be implemented in countries like Cambodia is through extensive pressure from the donors. They have to form a united front and force national governments to apply the approach. This can be done by attaching conditionalities to aid and investment. However, it is also necessary that UN agencies, and donors, pressure their own employees in order to ensure that they apply a HRBA not only in theory, but also in practice.

#### **4.3.1 HRBA and democracy**

A HRBA is not dependent on a fully functioning democracy for successful implementation. However, certain civil and political rights must be realized in order for *national governments* to employ the approach. The rights include the freedom of speech, the right to assembly and the right to information. If these rights are not fulfilled it will be impossible for *the state* to make use of a HRBA. External actors, on

the other hand, can apply a HRBA regardless of the system of government in the country which they operate. External actors are not dependent on the state in order to realize the defining features of a HRBA in *their own* work. They can, for example, make sure their poverty reductions programs are participatory, even when national governments continuously violate the freedom of speech. However, if external actors use the poor in order to pressure national governments into employing a HRBA, ethical dilemmas arise. External actors should under no circumstance encourage the poor to publicly claim their rights in non-democracies. In autocratic regimes, external actors' use of the approach should be confined to their own work. If not, they might endanger the poor.

It is therefore pertinent to question whether it really is with the best interest of the poor in mind, that aid agencies publicly advocate a HRBA in non-democracies. Poverty reduction efforts might be more effective and of greater benefit to the poor, if these agencies use a language which resonate more with the national leaders. It is particularly alarming when external actors refuse to accept their role as duty bearers, and use the poor as pawns in order to pressure autocratic leaders to accept the approach. External actors are so interested in being at the forefront of poverty reduction theory that they are willing to employ almost anything, even if it is at the expense of the poor. There has to be a more open discussion on what the real motives for employing this approach are, and if it really is the most effective way to reduce poverty in non-democracies. Additional research on the impact of this approach should be initiated, both in countries which are both more autocratic and democratic than Cambodia. Only then is it possible to assess the actual value of a HRBA.

#### ***4.4 The road ahead***

There is no doubt that the continued existence of extreme poverty constitutes the gravest form of human right violation in history. Every year around 18 million people die from poverty related causes, and 5 million of these are children. The international community has had the means to eradicate poverty for a long time; what has been lacking is political will. Simply advocating new approaches will not solve this problem. What is needed is an honest discussion on the motives behind aid.



For decades donors have been hiding behind the notion that all aid is good aid. Consequently, they have managed to avoid severe criticism. However, aid is not always given with the best interest of the poor in mind. Greed and power politics are often the concealed motives behind development assistance. Aid has become an industry and a powerful marketing tool.

A HRBA is unique because it acknowledges poverty reduction as a socio-economic right. Accordingly, donors can be held accountable if their poverty reduction efforts are driven by self-interest. However, in order for the implementation of the approach to be successful, external actors *have to* recognize their role as duty bearers. They must understand that simply changing to a HR terminology, while refusing to pressure national governments and disclaiming responsibility for their own actions, *violates* the defining features of the approach.

A HRBA has the power to revolutionize poverty reduction. However, in order for the approach to realize its full potential, inhabitants in the industrialized world have to pressure their leaders into accepting their duties not only in theory, but also in practice.

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